

EXHIBIT C

1 UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4

5 ROBERT G. WINGO,)
6 Plaintiff,)
7 vs.) No. 08 C 368
8 THYSSENKRUPP MATERIALS NA,)
9 INC., d/b/a COPPER AND BRASS,)
10 Defendant.)

COPY

11
12 Deposition of RANDY E. LUNT, called
13 for examination, taken pursuant to notice,
14 agreement and by the provisions of the Rules of
15 Civil Procedure for the United States District
16 Courts pertaining to the taking of depositions,
17 taken before PATRICIA A. ARMSTRONG, a Notary
18 Public within and for the County of DuPage, State
19 of Illinois, and a Certified Shorthand Reporter,
20 No. 084-1766, of said state, taken at 29 South
21 LaSalle Street, Chicago, Illinois, on the 29th day
22 of May, 2008 at 7:30 a.m.
23
24

DEPOSITION OF RANDY E. LUNT - 5/29/08

<p>1 PRESENT:</p> <p>2</p> <p>3 LISA KANE & ASSOCIATES, by</p> <p>4 MS. JANET WEGNER,</p> <p>5 120 South LaSalle Street, Suite 1420,</p> <p>6 Chicago, Illinois 60603,</p> <p>7 (312) 606-0383,</p> <p>8 appeared on behalf of Plaintiff;</p> <p>9</p> <p>10 and</p> <p>11</p> <p>12 HONIGAN, MILLER, SCHWARTZ and COHN, LLP, by</p> <p>13 MR. MATTHEW SCOTT DISBROW,</p> <p>14 2290 First National Bank Building,</p> <p>15 660 Woodward Avenue</p> <p>16 Detroit, Michigan 48226-3506,</p> <p>17 313-465-7372,</p> <p>18 MR. MATTHEW SCOTT DISBROW,</p> <p>19 appeared on behalf of Defendant.</p> <p>20</p> <p>21</p> <p>22</p> <p>23 REPORTED BY: PATRICIA ARMSTRONG, CSR, RPR.</p> <p>24 Certificate No. 84-1766.</p>	<p>1 EXHIBITS (Continued.)</p> <p>2 NUMBER MARKED FOR ID</p> <p>3 No. 19 111</p> <p>4 No. 20 116</p> <p>5 No. 21 122</p> <p>6 No. 22 123</p> <p>7</p> <p>8 ---</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>1 INDEX</p> <p>2 WITNESS EXAMINATION</p> <p>3 RANDY E. LUNT,</p> <p>4 By Ms. Wegner 5 - 131</p> <p>5 EXHIBITS</p> <p>6 NUMBER MARKED FOR ID</p> <p>7 No. 1 18</p> <p>8 No. 2 20</p> <p>9 No. 3 21</p> <p>10 No. 4 29</p> <p>11 No. 5 33</p> <p>12 No. 6 39</p> <p>13 No. 7 63</p> <p>14 No. 8 71</p> <p>15 No. 9 74</p> <p>16 No. 10 80</p> <p>17 No. 11 82</p> <p>18 No. 12 88</p> <p>19 No. 13 95</p> <p>20 No. 14 96</p> <p>21 No. 15 96</p> <p>22 No. 16 98</p> <p>23 No. 17 103</p> <p>24 No. 18 104</p>	<p>1 (WHEREUPON, the witness was</p> <p>2 duly sworn.)</p> <p>3 RANDY E. LUNT,</p> <p>4 was called as a witness herein, after having been</p> <p>5 first duly sworn, was examined and testified as</p> <p>6 follows:</p> <p>7 EXAMINATION</p> <p>8 BY MS. WEGNER:</p> <p>9 Q. Sir, would you please state your</p> <p>10 complete name for the record and spell your last</p> <p>11 name.</p> <p>12 A. Randy E. Lunt, L-u-n-t.</p> <p>13 MS. WEGNER: Let the record reflect that</p> <p>14 this is the deposition of Randy E. Lunt, witness</p> <p>15 for the Defendant, in the case entitled Robert G.</p> <p>16 Wingo versus Thyssenkrupp Materials NA, Inc.,</p> <p>17 doing business as Copper and Brass Sales, Case</p> <p>18 No. 08 C 368, pending in the United States</p> <p>19 District Court for the Northern District of</p> <p>20 Illinois, Eastern Division.</p> <p>21 This deposition is being taken</p> <p>22 pursuant to notice and in accordance with the</p> <p>23 Federal Rules of Civil Procedure and applicable</p> <p>24 local rules.</p>

<p>6</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. Mr. Lunt, my name is Jan Wegner. I</p> <p>3 am one of the attorneys representing Mr. Wingo in</p> <p>4 the lawsuit he has filed against Thyssenkrupp</p> <p>5 Materials NA, Inc., doing business as Copper and</p> <p>6 Brass Sales.</p> <p>7 Have you ever given a deposition</p> <p>8 before?</p> <p>9 A. I don't recall. I may have one time</p> <p>10 in the past.</p> <p>11 Q. Have you ever provided sworn</p> <p>12 testimony at a trial or other type of hearing?</p> <p>13 A. Yes, I have.</p> <p>14 Q. And prior to today, how many</p> <p>15 instances have there been where you have given</p> <p>16 sworn testimony?</p> <p>17 A. Two or three.</p> <p>18 Q. In what types of matters have you</p> <p>19 provided sworn testimony before today?</p> <p>20 A. I was subpoenaed in a problem</p> <p>21 regarding a house that an individual had built by</p> <p>22 a builder, and that's the only time I can clearly</p> <p>23 remember. I think there was one other time maybe</p> <p>24 during a divorce proceeding.</p>	<p>8</p> <p>1 So please try and wait for me to</p> <p>2 complete a question even though you may think you</p> <p>3 know where I am going with it. And I, in turn,</p> <p>4 will attempt to allow you to complete your</p> <p>5 response and it will make her job easier. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. Will you let me know if I ask a</p> <p>8 question that you feel you don't understand?</p> <p>9 A. Yes.</p> <p>10 Q. If you tell me you don't understand a</p> <p>11 question, I will rephrase it to make it perfectly</p> <p>12 clear for your response. Okay?</p> <p>13 A. Thank you.</p> <p>14 Q. If you do answer a question, it will</p> <p>15 be assumed that you understood that question.</p> <p>16 You agree that's fair?</p> <p>17 A. Fair.</p> <p>18 Q. And if you need a break, we will be</p> <p>19 happy to accommodate a request that you have for a</p> <p>20 break or anyone else in the room. We don't want</p> <p>21 anybody to be uncomfortable. Just we would only</p> <p>22 ask that you answer any question that has been</p> <p>23 asked first. Okay?</p> <p>24 A. Yes.</p>
<p>7</p> <p>1 Q. Have you been a party to litigation,</p> <p>2 either a Plaintiff or Defendant?</p> <p>3 A. Maybe in a traffic violation, that's</p> <p>4 the only time I can actually think of one.</p> <p>5 Q. And when you provided sworn testimony</p> <p>6 in the divorce proceeding, that was not your</p> <p>7 divorce?</p> <p>8 A. Yes, it was.</p> <p>9 Q. Then you were a party to litigation?</p> <p>10 A. Okay.</p> <p>11 MR. DISBROW: I was going to help him out,</p> <p>12 but I thought you would get there.</p> <p>13 BY MS. WEGNER:</p> <p>14 Q. All right, sir.</p> <p>15 It's important that you remember to</p> <p>16 respond verbally to all of my questions because</p> <p>17 our court reporter has the task of making an</p> <p>18 official record, and to do that, her machine</p> <p>19 doesn't accept a non-verbal response. Okay?</p> <p>20 A. No problem.</p> <p>21 Q. If you forget, we will remind you.</p> <p>22 It is also helpful for Patricia if we</p> <p>23 both don't try and speak at the same time because</p> <p>24 it's difficult for her to record that.</p>	<p>9</p> <p>1 Q. Any question about this process?</p> <p>2 A. No.</p> <p>3 Q. Did you meet with anyone to prepare</p> <p>4 for your deposition?</p> <p>5 A. When you say meet, I talked to an</p> <p>6 attorney on the phone.</p> <p>7 MR. DISBROW: Okay. And I would just</p> <p>8 object to the degree that it's attorney-client</p> <p>9 privilege.</p> <p>10 BY MS. WEGNER:</p> <p>11 Q. With whom did you speak to prepare</p> <p>12 for your deposition?</p> <p>13 A. Russell Linden.</p> <p>14 Q. And how long was your phone</p> <p>15 conversation with Mr. Linden to prepare for your</p> <p>16 deposition?</p> <p>17 A. Approximately two hours.</p> <p>18 Q. To your knowledge, did anyone else</p> <p>19 participate in your phone conversation with</p> <p>20 Mr. Linden to prepare for your deposition?</p> <p>21 MR. DISBROW: Objection to the degree that</p> <p>22 it calls for attorney-client privilege.</p> <p>23 If it was anybody outside of the</p> <p>24 company, that's a fair question. If it's anybody</p>

<p style="text-align: right;">10</p> <p>1 inside the company, it's not a fair question.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I am not sure there was nobody else.</p> <p>4 BY MS. WEGNER:</p> <p>5 Q. Thank you.</p> <p>6 Did you review any documents to</p> <p>7 prepare for the deposition?</p> <p>8 A. Yes, I did.</p> <p>9 Q. What documents did you review to</p> <p>10 prepare for the deposition?</p> <p>11 A. I looked at our work and safety</p> <p>12 rules, and I looked at a response to a grievance</p> <p>13 that one of our foremen had written.</p> <p>14 Q. And who filed the grievance that the</p> <p>15 response was related to that was written by one of</p> <p>16 the foremen that you reviewed to prepare for the</p> <p>17 deposition?</p> <p>18 A. Robert Wingo.</p> <p>19 Q. What did Mr. Wingo's grievance</p> <p>20 pertain to that you reviewed?</p> <p>21 A. I actually could not find a copy of</p> <p>22 his grievance.</p> <p>23 Q. What was the date of the response to</p> <p>24 the grievance that you reviewed that was written</p>	<p style="text-align: right;">12</p> <p>1 an apartment?</p> <p>2 A. A home.</p> <p>3 Q. Do you have any present intention on</p> <p>4 relocating from your current home address within</p> <p>5 the next year?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been convicted of a</p> <p>8 felony?</p> <p>9 A. No.</p> <p>10 Q. Have you been convicted of a crime</p> <p>11 involving dishonesty?</p> <p>12 A. No.</p> <p>13 Q. What is your highest level of</p> <p>14 education?</p> <p>15 A. Master's Degree.</p> <p>16 Q. And what Master's Degree do you hold?</p> <p>17 A. Business management.</p> <p>18 Q. When did you receive your Master's</p> <p>19 Degree?</p> <p>20 A. I don't recall the exact year. I am</p> <p>21 going to guesstimate five years ago.</p> <p>22 Q. From what institution did you receive</p> <p>23 your Master's Degree?</p> <p>24 A. Keller.</p>
<p style="text-align: right;">11</p> <p>1 by the foreman?</p> <p>2 A. I don't recall the exact date. It</p> <p>3 was in 2005.</p> <p>4 Q. Any other documents that you reviewed</p> <p>5 to prepare for the deposition?</p> <p>6 A. I am sorry.</p> <p>7 Q. Are there any other documents that</p> <p>8 you reviewed to prepare for the deposition, other</p> <p>9 than what you already told me?</p> <p>10 A. I don't recall. I may have looked at</p> <p>11 a couple of my letters written to Mr. Wingo.</p> <p>12 Q. And what is your date of birth, sir?</p> <p>13 A. January 5, 1954.</p> <p>14 Q. What is your current age?</p> <p>15 A. Fifty-four.</p> <p>16 Q. Where do you reside?</p> <p>17 A. Glen Ellyn.</p> <p>18 Q. What is your current home address?</p> <p>19 A. One North 661 River Drive,</p> <p>20 Glen Ellyn, Illinois.</p> <p>21 Q. And how long have you resided on</p> <p>22 River Drive in Glen Ellyn, Illinois?</p> <p>23 A. Approximately three years.</p> <p>24 Q. Is your current residence a home or</p>	<p style="text-align: right;">13</p> <p>1 Q. What undergraduate degree do you</p> <p>2 hold?</p> <p>3 A. Bachelor's in business.</p> <p>4 Q. Is your Bachelor's Degree a Bachelor</p> <p>5 of Arts or Bachelor of Science?</p> <p>6 A. Bachelor of Science.</p> <p>7 Q. When did you receive your Bachelor's</p> <p>8 Degree?</p> <p>9 A. Excuse me?</p> <p>10 Q. When did you receive your Bachelor's</p> <p>11 Degree?</p> <p>12 A. 1997.</p> <p>13 Q. From what institution did you receive</p> <p>14 your Bachelor's Degree?</p> <p>15 A. University of Illinois, Chicago.</p> <p>16 Q. Do you hold any professional licenses</p> <p>17 or certifications?</p> <p>18 A. No.</p> <p>19 Q. Are you currently employed by Copper</p> <p>20 and Brass Sales?</p> <p>21 A. Yes.</p> <p>22 Q. When did you begin your employment</p> <p>23 with Copper and Brass Sales?</p> <p>24 A. July 1994.</p>

<p>14</p> <p>1 Q. In what position did you begin in</p> <p>2 your employment with Copper and Brass Sales?</p> <p>3 A. Second shift supervisor.</p> <p>4 Q. And how long did you hold the second</p> <p>5 shift supervisor position with Copper and Brass</p> <p>6 Sales?</p> <p>7 A. Approximately one year.</p> <p>8 Q. And what is the next position that</p> <p>9 you held with Copper and Brass Sales after about</p> <p>10 one year as the second shift supervisor?</p> <p>11 A. First shift supervisor.</p> <p>12 Q. How long did you hold the first shift</p> <p>13 supervisor position at Copper and Brass Sales?</p> <p>14 A. I am not positive. I am going to</p> <p>15 guess two years.</p> <p>16 Q. What was your next position at Copper</p> <p>17 and Brass?</p> <p>18 A. General foreman.</p> <p>19 Q. How long were you general foreman at</p> <p>20 Copper and Brass Sales?</p> <p>21 A. I don't remember exactly. I am going</p> <p>22 to estimate two years.</p> <p>23 Q. And after general foreman, what was</p> <p>24 the next position that you held?</p>	<p>16</p> <p>1 Q. Now, do you currently supervise</p> <p>2 anyone as the plant manager of Copper and Brass</p> <p>3 Sales?</p> <p>4 A. I have four warehouse supervisors,</p> <p>5 two full-time office personnel in and one-part</p> <p>6 time office personnel. There are also 37 hourly</p> <p>7 employees.</p> <p>8 Q. Do the hourly employees at Copper and</p> <p>9 Brass Sales report directly to you?</p> <p>10 A. Not directly to me, indirectly.</p> <p>11 Q. What is the business of Copper and</p> <p>12 Brass Sales?</p> <p>13 A. They are a metal distributor.</p> <p>14 Q. What are the number of items of</p> <p>15 product that are sold or distributed from the</p> <p>16 Copper and Brass Sales location in Schaumburg?</p> <p>17 A. Can you please clarify that question?</p> <p>18 Q. Yes. Do you have a catalog of items</p> <p>19 that are sold or distributed from the Schaumburg</p> <p>20 location?</p> <p>21 A. I do not. I can only tell you that</p> <p>22 we have approximately 2000 part numbers.</p> <p>23 Q. What were the gross sales of Copper</p> <p>24 and Brass Sales from the Schaumburg location in</p>
<p>15</p> <p>1 A. Plant manager.</p> <p>2 Q. Do you recall what year you became</p> <p>3 the plant manager at Copper and Brass Sales?</p> <p>4 A. I am sorry, I do not.</p> <p>5 Q. Are there any other positions that</p> <p>6 you have held at Copper and Brass Sales?</p> <p>7 A. No.</p> <p>8 Q. Do you hold an ownership interest in</p> <p>9 Copper and Brass Sales?</p> <p>10 A. No.</p> <p>11 Q. What do you currently earn as the</p> <p>12 plant manager at Copper and Brass Sales?</p> <p>13 MR. DISBROW: I am going to object as to</p> <p>14 relevant.</p> <p>15 But you can answer the question.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Approximately \$85,000.</p> <p>18 BY MS. WEGNER:</p> <p>19 Q. And what are your duties and</p> <p>20 responsibilities as the plant manager of Copper</p> <p>21 and Brass Sales?</p> <p>22 A. I am responsible for shipping,</p> <p>23 receiving, production, safety, disciplinary</p> <p>24 action, training, quality, hiring and firing.</p>	<p>17</p> <p>1 2007?</p> <p>2 MR. DISBROW: I am going to object as to</p> <p>3 relevance.</p> <p>4 Before you answer, I am also going to</p> <p>5 object on the grounds that that could be</p> <p>6 considered confidential and proprietary</p> <p>7 information.</p> <p>8 MS. WEGNER: It could be, but you haven't a</p> <p>9 protective order in place. However, if you would</p> <p>10 like to --</p> <p>11 MR. DISBROW: I am just stating for the</p> <p>12 record -- well, you can answer the question if you</p> <p>13 know.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't know that answer.</p> <p>16 BY MS. WEGNER:</p> <p>17 Q. Are the hourly employees at the</p> <p>18 Schaumburg location of Copper and Brass Sales</p> <p>19 Union members?</p> <p>20 A. At the Schaumburg location?</p> <p>21 Q. Correct.</p> <p>22 A. Yes, they are.</p> <p>23 Q. And you're the plant manager at the</p> <p>24 Schaumburg location; correct?</p>

<p style="text-align: right;">18</p> <p>1 A. Yes.</p> <p>2 Q. What Union do the hourly employees at</p> <p>3 the Schaumburg location of Copper and Brass Sales</p> <p>4 belong to?</p> <p>5 A. Teamster Union 714.</p> <p>6 MS. WEGNER: Pat, would you mark this as</p> <p>7 Exhibit No. 1, please.</p> <p>8 (WHEREUPON, a certain document</p> <p>9 was marked Lunt Deposition</p> <p>10 Exhibit No. 1, for identification,</p> <p>11 as of May 29, 2008.)</p> <p>12 BY MS. WEGNER:</p> <p>13 Q. Mr. Lunt, you are being shown a</p> <p>14 document we have marked as Exhibit No. 1, which is</p> <p>15 produced by the Defendant in this case, Bates</p> <p>16 stamped 00661.</p> <p>17 Do you recognize this document?</p> <p>18 A. Yes, I do.</p> <p>19 Q. Is Exhibit No. 1 a document you can</p> <p>20 identify for the record?</p> <p>21 A. Yes, it's part of our organizational</p> <p>22 chart.</p> <p>23 Q. And does the organizational chart</p> <p>24 that we have marked as Exhibit No. 1 represent the</p>	<p style="text-align: right;">20</p> <p>1 and Brass Sales?</p> <p>2 A. William Fruehaf.</p> <p>3 Q. How long have you reported to</p> <p>4 Mr. Fruehaf in your position as the plant manager</p> <p>5 of Copper and Brass Sales?</p> <p>6 A. Mr. Fruehaf has been with the</p> <p>7 Schaumburg location, I am going to guess, five</p> <p>8 years, maybe six years. I don't know when he came</p> <p>9 into the facility.</p> <p>10 MS. WEGNER: Can you mark this as No. 2,</p> <p>11 Pat.</p> <p>12 (WHEREUPON, a certain document</p> <p>13 was marked Lunt Deposition</p> <p>14 Exhibit No. 2, for identification,</p> <p>15 as of May 29, 2008.)</p> <p>16 BY MS. WEGNER:</p> <p>17 Q. Do you recognize Exhibit No. 2,</p> <p>18 Mr. Lunt, Bates stamped 00659, as produced by the</p> <p>19 Defendant in this case?</p> <p>20 A. I have never actually seen this</p> <p>21 document before, but it appears to be a list of</p> <p>22 employees, former and current.</p> <p>23 Q. Do you have any knowledge as to who</p> <p>24 prepared Exhibit No. 2?</p>
<p style="text-align: right;">19</p> <p>1 organization of persons employed at the Schaumburg</p> <p>2 Copper and Brass Sales location?</p> <p>3 A. It appears that it is accurate.</p> <p>4 Without going through it step by step -- and</p> <p>5 there's portions of it that I am not totally</p> <p>6 familiar with because it deals with sales and</p> <p>7 inside sales, which is not part of my</p> <p>8 responsibility. I can only attest to the</p> <p>9 warehouse portion of it.</p> <p>10 Q. So, with respect to the</p> <p>11 organizational chart that we have marked as</p> <p>12 Exhibit No. 1, is the warehouse portion to which</p> <p>13 you can attest that portion on the right-hand side</p> <p>14 underneath plant manager and your name?</p> <p>15 A. It's accurate. The only question</p> <p>16 mark I would have is that Mark Pucalik, he does</p> <p>17 not answer directly to me, although he is part of</p> <p>18 the warehouse and material control. He answers</p> <p>19 directly to the vice president.</p> <p>20 Q. To your knowledge, who is the vice</p> <p>21 president to whom Mark Pucalik reports to?</p> <p>22 A. William Fruehaf.</p> <p>23 Q. And to whom do you report as the</p> <p>24 plant manager of the Schaumburg location of Copper</p>	<p style="text-align: right;">21</p> <p>1 A. No, I don't.</p> <p>2 Q. Do you have any knowledge as to when</p> <p>3 Exhibit No. 2 was prepared?</p> <p>4 A. No, I don't.</p> <p>5 MS. WEGNER: Mark this as No. 3, please,</p> <p>6 Patricia.</p> <p>7 (WHEREUPON, a certain document</p> <p>8 was marked Lunt Deposition</p> <p>9 Exhibit No. 3, for identification,</p> <p>10 as of May 29, 2008.)</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. Exhibit No. 3, Mr. Lunt, is a</p> <p>13 document produced by the Defendant, Bates stamped</p> <p>14 00660.</p> <p>15 Do you recognize this document?</p> <p>16 A. It is the first time I have seen it.</p> <p>17 Q. Do you have any knowledge as to who</p> <p>18 prepared Exhibit No. 3?</p> <p>19 A. No, I don't</p> <p>20 Q. Do you have any knowledge as to when</p> <p>21 Exhibit No. 3 was prepared?</p> <p>22 A. No, I don't.</p> <p>23 Q. In reviewing Exhibit No. 3, does it</p> <p>24 represent persons currently employed in the</p>

<p style="text-align: right;">22</p> <p>1 warehouse at the Schaumburg location of Copper and</p> <p>2 Brass Sales?</p> <p>3 MR. DISBROW: Objection as to foundation.</p> <p>4 He doesn't know about this document.</p> <p>5 To the degree you know, you can</p> <p>6 answer the question.</p> <p>7 BY THE WITNESS:</p> <p>8 A. No, it doesn't</p> <p>9 BY MS. WEGNER:</p> <p>10 Q. Exhibit No. 3 contains the name of</p> <p>11 Niven Beluso, which is not contained on the</p> <p>12 Exhibit No. 3.</p> <p>13 Are you familiar with Niven Beluso?</p> <p>14 A. Yes, I am.</p> <p>15 Q. Was Niven Beluso employed at the</p> <p>16 Schaumburg location of Copper and Brass Sales?</p> <p>17 A. Yes, he was.</p> <p>18 Q. Did Niven Beluso's employment at</p> <p>19 Copper and Brass Sales end?</p> <p>20 A. Yes, it did.</p> <p>21 Q. When did Niven Beluso's employment</p> <p>22 with Copper and Brass Sales end?</p> <p>23 A. Either December of 2007 or January of</p> <p>24 2008.</p>	<p style="text-align: right;">24</p> <p>1 A. Yes, he is.</p> <p>2 Q. Are there current employees of Copper</p> <p>3 and Brass Sales at the Schaumburg location that</p> <p>4 you are aware of whose names are not contained on</p> <p>5 Exhibit 3?</p> <p>6 MR. DISBROW: I am sorry, I didn't catch</p> <p>7 that.</p> <p>8 Would you state the question again,</p> <p>9 please.</p> <p>10 MS. WEGNER: Could you read it back, Pat.</p> <p>11 (WHEREUPON, the record was</p> <p>12 read by the reporter.)</p> <p>13 MR. DISBROW: If you know, Randy. Don't</p> <p>14 guess.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I only know of one person that is not</p> <p>17 on this list. And it's difficult to go through a</p> <p>18 list of 36 people and pick who is there and who is</p> <p>19 not there.</p> <p>20 But a new hire Gil Briones,</p> <p>21 B-r-i-o-n-e-s, I believe.</p> <p>22 BY MS. WEGNER:</p> <p>23 Q. And when was Gil Briones hired?</p> <p>24 A. I would say approximately a month</p>
<p style="text-align: right;">23</p> <p>1 Q. Now, what is the reason Niven</p> <p>2 Beluso's employment ended with Copper and Brass</p> <p>3 Sales?</p> <p>4 A. I believe he walked off the job.</p> <p>5 Q. Are there persons named on Exhibit</p> <p>6 No. 3 who are no longer employed at the Schaumburg</p> <p>7 location of Copper and Brass Sales?</p> <p>8 A. Yes.</p> <p>9 Q. And who are those persons on Exhibit</p> <p>10 No. 3 who are no longer employed at Copper and</p> <p>11 Brass Sales?</p> <p>12 A. The only one I see immediately is</p> <p>13 Mario Alvarez.</p> <p>14 Q. Exhibit No. 3 contains a name not</p> <p>15 listed on Exhibit No. 2 of Derek Lipinski.</p> <p>16 Is Derek Lipinski employed at the</p> <p>17 Schaumburg location of Copper and Brass Sales?</p> <p>18 A. Yes, he is.</p> <p>19 Q. And when was Mr. Lipinski hired at</p> <p>20 the Schaumburg location of Copper and Brass Sales?</p> <p>21 A. I don't recall. I am going to guess</p> <p>22 1995 or 1996.</p> <p>23 Q. And Mr. Lipinski is still employed at</p> <p>24 the location?</p>	<p style="text-align: right;">25</p> <p>1 ago.</p> <p>2 Q. And was Mr. Briones hired for a</p> <p>3 warehouseman position?</p> <p>4 A. Helper.</p> <p>5 Q. During your employment at Copper and</p> <p>6 Brass Sales, did you ever directly supervise</p> <p>7 Mr. Wingo?</p> <p>8 A. Yes, I did.</p> <p>9 Q. During what period of time did you</p> <p>10 directly supervise Mr. Wingo?</p> <p>11 A. Mid '90s, 1995, 1996, that range.</p> <p>12 Q. And for how long a period of time in</p> <p>13 the mid '90s did you supervise Mr. Wingo?</p> <p>14 A. I guess between two to four years.</p> <p>15 Q. And what was your position while you</p> <p>16 supervised Mr. Wingo directly?</p> <p>17 A. First shift supervisor and general</p> <p>18 foreman.</p> <p>19 Q. Have you ever prepared a formal</p> <p>20 evaluation of Mr. Wingo's performance?</p> <p>21 A. Explain what you mean by "formal</p> <p>22 evaluation."</p> <p>23 Q. A written document detailing</p> <p>24 Mr. Wingo's performance over a specific period of</p>

<p style="text-align: right;">26</p> <p>1 time, such as a one-year period?</p> <p>2 A. Not over a one year period of time.</p> <p>3 I have given him letters of write-up, summarizing</p> <p>4 his lack of performance or other items that needed</p> <p>5 to be improved upon.</p> <p>6 Q. Over the course of your employment at</p> <p>7 Copper and Brass Sales, have you given write-ups</p> <p>8 summarizing performance and areas that need</p> <p>9 improvement for a variety of the warehouse</p> <p>10 employees at the Copper and Brass Sales Schaumburg</p> <p>11 location?</p> <p>12 MR. DISBROW: Objection; foundation to the</p> <p>13 question. I think it's confusing.</p> <p>14 BY MS. WEGNER:</p> <p>15 Q. Do you understand my question?</p> <p>16 A. No. Please repeat it.</p> <p>17 Q. Mr. Wingo wasn't the only warehouse</p> <p>18 employee at the Schaumburg location of Copper and</p> <p>19 Brass Sales for whom you have prepared</p> <p>20 documentation that detailed performance</p> <p>21 deficiencies or summarized areas that needed</p> <p>22 improvement; isn't that correct?</p> <p>23 A. Correct.</p> <p>24 Q. To your knowledge, when was Mr. Wingo</p>	<p style="text-align: right;">28</p> <p>1 MS. WEGNER: No, ours are separate.</p> <p>2 MR. DISBROW: Okay.</p> <p>3 MS. WEGNER: But it's signed by Mr. Linden</p> <p>4 and Mr. Peale at the end, and there is no</p> <p>5 verification for the Answers to the</p> <p>6 Interrogatories.</p> <p>7 MR. DISBROW: Jan, I will check on that for</p> <p>8 you.</p> <p>9 MS. WEGNER: Thank you.</p> <p>10 MS. WEGNER: Do you have any knowledge,</p> <p>11 Matt, as to who might be verifying the discovery</p> <p>12 responses?</p> <p>13 MR. DISBROW: I was not involved in the</p> <p>14 preparation of those responses.</p> <p>15 MS. WEGNER: Okay.</p> <p>16 BY MS. WEGNER:</p> <p>17 Q. Are the Union employees at Copper and</p> <p>18 Brass Sales subject to performance evaluations,</p> <p>19 Mr. Lunt?</p> <p>20 A. I believe at one time, they were.</p> <p>21 Currently, no.</p> <p>22 Q. And when, to your knowledge, is the</p> <p>23 last time any of the Union employees at Copper and</p> <p>24 Brass Sales were subject to any performance</p>
<p style="text-align: right;">27</p> <p>1 first hired by Copper and Brass Sales?</p> <p>2 A. He was hired prior to my coming to</p> <p>3 Copper and Brass. I don't recall the year that he</p> <p>4 was hired in.</p> <p>5 Q. If I were to indicate to you that</p> <p>6 Mr. Wingo claims he began working at Copper and</p> <p>7 Brass Sales in January of 1984, would you have any</p> <p>8 reason to doubt that?</p> <p>9 Does that sound about right?</p> <p>10 A. I would not disagree with you.</p> <p>11 MS. WEGNER: Matt, it appears that we have</p> <p>12 never received a verification for the discovery</p> <p>13 responses, the Answers to Interrogatories that the</p> <p>14 Defendant provided in this case.</p> <p>15 MR. DISBROW: I will check on that. That</p> <p>16 would be odd, but I will check on that for you.</p> <p>17 Are you talking about for</p> <p>18 Interrogatory -- did you say Interrogatories?</p> <p>19 MS. WEGNER: Well, actually, the document</p> <p>20 that you provided, which I can show you, is</p> <p>21 combined as the Answers to Interrogatories and the</p> <p>22 response.</p> <p>23 MR. DISBROW: Did you submit a combination</p> <p>24 discovery response -- request?</p>	<p style="text-align: right;">29</p> <p>1 evaluations?</p> <p>2 A. Currently, we do it only when we have</p> <p>3 a performance issue with an employee.</p> <p>4 MS. WEGNER: Pat, would you mark that as</p> <p>5 the next exhibit.</p> <p>6 (WHEREUPON, a certain document</p> <p>7 was marked Lunt Deposition</p> <p>8 Exhibit No. 4, for identification,</p> <p>9 as of May 29, 2008.)</p> <p>10 BY MS. WEGNER:</p> <p>11 Q. Mr. Lunt, Exhibit No. 4 is a document</p> <p>12 produced by the Defendant, Bates stamped 00742</p> <p>13 through 772.</p> <p>14 Do you recognize Exhibit No. 4?</p> <p>15 MR. DISBROW: Take your time to go through</p> <p>16 it.</p> <p>17 MS. WEGNER: Absolutely. And you certainly</p> <p>18 may have as much time as you need to review any</p> <p>19 document that you are shown.</p> <p>20 BY THE WITNESS:</p> <p>21 A. It appears to be the contract with</p> <p>22 the Union and the Company.</p> <p>23 BY MS. WEGNER:</p> <p>24 Q. And you are familiar with the terms</p>

<p style="text-align: right;">30</p> <p>1 of the contract between the Union and the Company</p> <p>2 that we have marked as Exhibit No. 4; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Were you a participant in negotiating</p> <p>6 this agreement marked as Exhibit 4?</p> <p>7 A. Yes.</p> <p>8 Q. And your signature is contained on a</p> <p>9 number of the pages at the back of Exhibit No. 4;</p> <p>10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. In looking at Exhibit No. 4, this</p> <p>13 Union contract, it became effective April 16, 2006</p> <p>14 and runs through April 15th of 2009; is that</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. So Exhibit No. 4 is the Union</p> <p>18 contract that governed Mr. Wingo's employment with</p> <p>19 Copper and Brass Sales through the end of his</p> <p>20 employment; right?</p> <p>21 A. Correct.</p> <p>22 Q. On one of the last pages of the</p> <p>23 Collective Bargaining Agreement, it indicates,</p> <p>24 it's Page 771, there is a letter of understanding</p>	<p style="text-align: right;">32</p> <p>1 MS. WEGNER: The new.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Each individual in the warehouse is</p> <p>4 given a copy of it at the time the contracts are</p> <p>5 passed out. They sign for it. So each employee</p> <p>6 would have a copy of it.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. To your knowledge, is the attendance</p> <p>9 policy -- any attendance policy contained in the</p> <p>10 employee handbook of Copper and Brass Sales, or is</p> <p>11 it a separate document?</p> <p>12 A. A separate document. It's not part</p> <p>13 of the negotiated agreement in the contract.</p> <p>14 Q. You are familiar with the terms of</p> <p>15 the present attendance policy at Copper and Brass</p> <p>16 Sales?</p> <p>17 A. I am familiar, but not in great</p> <p>18 detail. I would have to have a copy in front of</p> <p>19 me.</p> <p>20 Q. Now, do you recall when the</p> <p>21 attendance policy was changed at Copper and Brass</p> <p>22 Sales pursuant to the letter of understanding that</p> <p>23 is contained in the Collective Bargaining</p> <p>24 Agreement?</p>
<p style="text-align: right;">31</p> <p>1 regarding the attendance policy.</p> <p>2 Are you familiar with this document</p> <p>3 which you signed?</p> <p>4 A. Yes.</p> <p>5 Q. Was there any change to the</p> <p>6 attendance policy as a result of the letter of</p> <p>7 understanding that is <u>attached</u> to the Collective</p> <p>8 Bargaining Agreement?</p> <p>9 A. Yes.</p> <p>10 Q. What was the change that was made to</p> <p>11 the attendance policy?</p> <p>12 A. Without having the two documents in</p> <p>13 front of me, I couldn't tell you the exact</p> <p>14 changes.</p> <p>15 Q. What is the other document you would</p> <p>16 need to look at?</p> <p>17 A. The old attendance policy and the new</p> <p>18 attendance policy.</p> <p>19 Q. Where would the attendance policy be</p> <p>20 in written form?</p> <p>21 MR. DISBROW: Objection. It's a little</p> <p>22 ambiguous.</p> <p>23 What attendance policy are you</p> <p>24 talking about, the old or the new?</p>	<p style="text-align: right;">33</p> <p>1 A. No, I don't.</p> <p>2 MS. WEGNER: Pat, would you mark that as</p> <p>3 Exhibit No. 5.</p> <p>4 (WHEREUPON, a certain document</p> <p>5 was marked Lunt Deposition</p> <p>6 Exhibit No. 5, for identification,</p> <p>7 as of May 29, 2008.)</p> <p>8 BY MS. WEGNER:</p> <p>9 Q. Exhibit No. 5, Mr. Lunt, is a</p> <p>10 document produced by the Defendant, Bates stamped</p> <p>11 00674 through 683.</p> <p>12 Do you recognize this document?</p> <p>13 A. It's actually several documents</p> <p>14 stapled together.</p> <p>15 Q. Exhibit No. 5 indicates it's the work</p> <p>16 and safety rules.</p> <p>17 A. The last page is not part of the work</p> <p>18 and safety rules.</p> <p>19 Q. Exhibit 5, then, should not contain</p> <p>20 page Bates stamped 00683; is that right, the last</p> <p>21 page?</p> <p>22 MR. DISBROW: I am not following you, Jan.</p> <p>23 It's your exhibit, do you want to include Page</p> <p>24 No. 5 -- I mean Page No. 683?</p>

<p>34</p> <p>1 MS. WEGNER: Not if Mr. Lunt indicates it</p> <p>2 is not part of the work and safety rules.</p> <p>3 MR. DISBROW: And I don't want to testify</p> <p>4 for Mr. Lunt.</p> <p>5 MS. WEGNER: I understand. He says it's a</p> <p>6 separate document.</p> <p>7 MR. DISBROW: But I just want to make sure</p> <p>8 that we understand each other, the work rules</p> <p>9 versus Exhibit 5 could be different.</p> <p>10 BY MS. WEGNER:</p> <p>11 Q. Is Exhibit No. 5, with the exception</p> <p>12 of the last page, 683, the work and safety rules</p> <p>13 of Copper and Brass Sales?</p> <p>14 A. All I can say is that this last page</p> <p>15 is not part of our work and safety rules.</p> <p>16 Q. Let's pull it off. We will make it a</p> <p>17 separate document.</p> <p>18 So then we are kind of readjusting</p> <p>19 here, and Exhibit No. 5 will be those documents</p> <p>20 Bates stamp 00674 through 00682.</p> <p>21 Do you recognize that as one</p> <p>22 document?</p> <p>23 A. It appears to be the work and safety</p> <p>24 rules of the Schaumburg facility.</p>	<p>36</p> <p>1 employees subject to the Collective Bargaining</p> <p>2 Agreement at the Copper and Brass Sales Schaumburg</p> <p>3 location?</p> <p>4 A. Yes.</p> <p>5 Q. Does the Copper and Brass Sales</p> <p>6 attendance policy fall under any of these</p> <p>7 categories of work and safety rules contained in</p> <p>8 Exhibit 5?</p> <p>9 A. It's actually a separate document. I</p> <p>10 would love to see if it actually overlaps.</p> <p>11 MR. DISBROW: And I will just object to the</p> <p>12 degree the document speaks for itself.</p> <p>13 BY MS. WEGNER:</p> <p>14 Q. Were you involved in the decision to</p> <p>15 terminate Mr. Wingo's employment?</p> <p>16 A. Yes, I was.</p> <p>17 Q. Who else was involved in the decision</p> <p>18 to terminate Mr. Wingo's employment?</p> <p>19 A. His immediate supervisor also played</p> <p>20 a part. I don't recall if I contacted our HR</p> <p>21 group prior to the decision. I believe the</p> <p>22 decision was more based on my --</p> <p>23 MS. WEGNER: Pat, can you read back that</p> <p>24 response.</p>
<p>35</p> <p>1 Q. Are the work and safety rules for the</p> <p>2 Schaumburg facility that we have marked as Exhibit</p> <p>3 No. 5, those that were in effect when</p> <p>4 Mr. Wingo was last employed there in December of</p> <p>5 2007?</p> <p>6 A. Yes.</p> <p>7 Q. The work and safety rules that are</p> <p>8 contained in Exhibit No. 5 are those that govern</p> <p>9 the conduct of the employees that were subject to</p> <p>10 the Collective Bargaining Agreement at the</p> <p>11 Schaumburg location of Copper and Brass Sales?</p> <p>12 A. Could you repeat that? I am not sure</p> <p>13 I understood it.</p> <p>14 MS. WEGNER: Sure. Would you read it back,</p> <p>15 Pat.</p> <p>16 (WHEREUPON, the record was</p> <p>17 read by the reporter.)</p> <p>18 MR. DISBROW: I am sorry, that sounded more</p> <p>19 like a statement than a question.</p> <p>20 Jan, maybe it's better if you just</p> <p>21 ask it again.</p> <p>22 BY MS. WEGNER:</p> <p>23 Q. Are the work and safety rules that</p> <p>24 are listed in Exhibit No. 5 those that govern the</p>	<p>37</p> <p>1 (WHEREUPON, the record was</p> <p>2 read by the reporter.)</p> <p>3 BY THE WITNESS:</p> <p>4 A. My review of the case, and it was my</p> <p>5 decision.</p> <p>6 BY MS. WEGNER:</p> <p>7 Q. And who is the immediate supervisor</p> <p>8 of Mr. Wingo that you said played a part in the</p> <p>9 decision to terminate him?</p> <p>10 A. Mark DeMien.</p> <p>11 Q. What was Mr. DeMien's part that he</p> <p>12 played in the decision to terminate Mr. Wingo?</p> <p>13 A. He had been responsible for most of</p> <p>14 the documentation in the last several years of</p> <p>15 Mr. Wingo's failure to perform his tasks properly</p> <p>16 as an employee.</p> <p>17 He also came across Mr. Wingo's</p> <p>18 production sheets showing that he had falsified</p> <p>19 company documents.</p> <p>20 Q. Now, despite any performance</p> <p>21 deficiencies on the part of Mr. Wingo, he was</p> <p>22 employed by Copper and Brass Sales for about 24</p> <p>23 years; isn't that right?</p> <p>24 A. That would be correct.</p>

<p>38</p> <p>1 Q. When was the decision made to</p> <p>2 terminate Mr. Wingo?</p> <p>3 A. I am not sure what day he was</p> <p>4 terminated, but it was the day of his termination.</p> <p>5 Q. To your knowledge, what policy or</p> <p>6 policies were violated by Mr. Wingo that resulted</p> <p>7 in his termination?</p> <p>8 A. He was terminated for falsifying</p> <p>9 company records, which is a Category D fork rule</p> <p>10 violation.</p> <p>11 Q. Does Copper and Brass Sales have a</p> <p>12 progressive discipline policy?</p> <p>13 A. Yes, they do.</p> <p>14 Q. Mr. Wingo did not receive progressive</p> <p>15 discipline in connection with his violation that</p> <p>16 resulted in his termination; correct?</p> <p>17 MR. DISBROW: Objection; foundation,</p> <p>18 mischaracterizes earlier testimony.</p> <p>19 MS. WEGNER: Could I have an answer?</p> <p>20 MR. DISBROW: You can answer it if you</p> <p>21 know.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Mr. Wingo had been given numerous</p> <p>24 verbal written warnings, he had been given a</p>	<p>40</p> <p>1 marked as Exhibit No. 6 issued April 16, 2007,</p> <p>2 have there been any changes to that job</p> <p>3 description?</p> <p>4 A. Not that I know of.</p> <p>5 Q. And this job description marked as</p> <p>6 Exhibit No. 6 applies to those persons who are</p> <p>7 Union employees working in the warehouse at the</p> <p>8 Schaumburg location of Copper and Brass Sales;</p> <p>9 correct?</p> <p>10 MR. DISBROW: Objection to foundation.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I would appreciate your rewording</p> <p>13 that because I am not sure what you are asking.</p> <p>14 BY MS. WEGNER:</p> <p>15 Q. Does Exhibit No. 6 represent the job</p> <p>16 description for the Union warehouse employees at</p> <p>17 the Copper and Brass Sales location in Schaumburg?</p> <p>18 A. It's a fairly exactly description,</p> <p>19 yes.</p> <p>20 Q. Now, how does a warehouse employee</p> <p>21 learn the duties of a particular warehouse</p> <p>22 position at the Copper and Brass Sales location in</p> <p>23 Schaumburg?</p> <p>24 A. He is trained.</p>
<p>39</p> <p>1 one-day suspension, a three-day suspension and</p> <p>2 finally terminated for his -- because of errors,</p> <p>3 plus the Category D, as shown on the work and</p> <p>4 safety rules, is first offense termination.</p> <p>5 MS. WEGNER: Pat, would you mark that as</p> <p>6 the next exhibit.</p> <p>7 (WHEREUPON, a certain document</p> <p>8 was marked Lunt Deposition</p> <p>9 Exhibit No. 6, for identification,</p> <p>10 as of May 29, 2008.)</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. Mr. Lunt, Exhibit No. 6 are documents</p> <p>13 produced by the Defendant Copper and Brass Sales,</p> <p>14 Bates stamped 00684 and 685.</p> <p>15 Do you recognize this?</p> <p>16 A. It appears to be the job description</p> <p>17 of the warehouse position -- warehouseman</p> <p>18 position, I should say.</p> <p>19 Q. And the job description for warehouse</p> <p>20 position that is marked as Exhibit 6 is dated</p> <p>21 effective April 16, 2007; correct?</p> <p>22 A. Correct.</p> <p>23 Q. Since the version of the general</p> <p>24 warehouse corporate job description that we have</p>	<p>41</p> <p>1 Q. Are all the warehousemen at the</p> <p>2 Schaumburg Copper and Brass Sales location</p> <p>3 expected to be able to function in any position in</p> <p>4 the warehouse?</p> <p>5 MR. DISBROW: Objection. It's an</p> <p>6 incomplete hypothetical.</p> <p>7 You can answer, if you know.</p> <p>8 BY THE WITNESS:</p> <p>9 A. The goal was to eventually train</p> <p>10 everyone at every location for every position.</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. And for the warehousemen at the</p> <p>13 Schaumburg location of Copper and Brass Sales, how</p> <p>14 many different positions are there?</p> <p>15 BY THE WITNESS:</p> <p>16 A. They vary. We have several work</p> <p>17 stations that are dedicated to warehousemen.</p> <p>18 There is overlap between operators and</p> <p>19 warehousemen and overlap between helpers and the</p> <p>20 warehousemen. I believe there are four or five</p> <p>21 different set positions there.</p> <p>22 BY MS. WEGNER:</p> <p>23 Q. What are the titles of the four or</p> <p>24 five different set positions at the warehouse?</p>

<p style="text-align: right;">42</p> <p>1 A. They are all considered warehousemen.</p> <p>2 There are different work stations.</p> <p>3 Q. What is the work that is performed at</p> <p>4 the different work stations by the warehousemen at</p> <p>5 the Schaumburg location?</p> <p>6 A. We have RBW nonprocessing, they fill</p> <p>7 RBW nonprocessed orders. We have the sheet</p> <p>8 station, they fill nonprocessed sheet station</p> <p>9 orders.</p> <p>10 There is shipping and receiving, but</p> <p>11 both of those can be done by helpers. Packaging,</p> <p>12 and also PVC, where a coating of PVC is applied to</p> <p>13 raw material.</p> <p>14 Q. What does the initial RBW stand for?</p> <p>15 A. Rod, bar and wire.</p> <p>16 Q. And into what category do those</p> <p>17 persons fall who are filling orders?</p> <p>18 A. It would be a warehouse position.</p> <p>19 Q. Well, does someone who is doing order</p> <p>20 filling fall into the category of shipping and</p> <p>21 receiving?</p> <p>22 A. Our shipping and receiving people can</p> <p>23 fill orders and do on a regular basis. That's not</p> <p>24 their primary function.</p>	<p style="text-align: right;">44</p> <p>1 duties in RBW nonprocessing, did his performance</p> <p>2 depend on other employees on his shift to</p> <p>3 accurately and efficiently perform their duties?</p> <p>4 MR. DISBROW: Objection; incomplete</p> <p>5 hypothetical.</p> <p>6 You can answer it.</p> <p>7 THE WITNESS: I am not sure what she is</p> <p>8 asking on that.</p> <p>9 Can you please repeat that?</p> <p>10 BY MS. WEGNER:</p> <p>11 Q. In Mr. Wingo's last position in RBW</p> <p>12 nonprocessing, did his successful performance of</p> <p>13 his duties depend on other employees accurately</p> <p>14 and efficiently completing their job duties?</p> <p>15 MR. DISBROW: Same objection.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Not really. I mean, the side loader</p> <p>18 driver would stage material, but it still was</p> <p>19 Bob's responsibility to do his job properly.</p> <p>20 BY MS. WEGNER:</p> <p>21 Q. What would the material be that a</p> <p>22 side loader would stage for Mr. Wingo?</p> <p>23 A. It would be RBW or parts, parts dock.</p> <p>24 It would be bundles of materials that Bob would</p>
<p style="text-align: right;">43</p> <p>1 Q. What was Mr. Wingo's position at</p> <p>2 Copper and Brass Sales just prior to his</p> <p>3 termination?</p> <p>4 A. RBW nonprocessing.</p> <p>5 Q. In Mr. Wingo's position at the</p> <p>6 Schaumburg location of Copper and Brass Sales in</p> <p>7 RBW nonprocessing, what were his job duties?</p> <p>8 A. It was to pull material, inspect it,</p> <p>9 verify the accuracy of the work order, read,</p> <p>10 understand and follow all work order instructions,</p> <p>11 package the material according to the</p> <p>12 instructions, weigh it, stamp the weight. And</p> <p>13 then once done that, enter that information into</p> <p>14 the system, generating a shipping label and attach</p> <p>15 that shipping label to the material.</p> <p>16 Q. Prior to Mr. Wingo's termination from</p> <p>17 Copper and Brass Sales, how long had he been in</p> <p>18 the assignment in RBW nonprocessing?</p> <p>19 A. I really can't answer that. He had</p> <p>20 been there numerous times in the past and moved</p> <p>21 throughout the warehouse, and probably there for</p> <p>22 at least several months prior to his termination,</p> <p>23 if not longer.</p> <p>24 Q. In Mr. Wingo's performance of his</p>	<p style="text-align: right;">45</p> <p>1 pull work orders from, whether they are full</p> <p>2 bundles or partial bundles.</p> <p>3 Q. To your knowledge, would it be</p> <p>4 necessary for Mr. Wingo to wait on occasion for</p> <p>5 someone, such as the side loader, to pull material</p> <p>6 for Mr. Wingo to have access to it?</p> <p>7 A. It's possible. It would be rare,</p> <p>8 though.</p> <p>9 During those rare occasions, Bob was</p> <p>10 capable of using his fork truck to pull his own</p> <p>11 material down for himself.</p> <p>12 Q. In the RBW nonprocessing position,</p> <p>13 was Mr. Wingo responsible for the PVC coat</p> <p>14 process?</p> <p>15 A. No.</p> <p>16 Q. On the Schaumburg location of Copper</p> <p>17 and Brass Sales, was the PVC coating contained on</p> <p>18 rolls?</p> <p>19 A. Yes.</p> <p>20 Q. And this PVC coating is a material</p> <p>21 that is applied to the metal so it's not</p> <p>22 scratched; right?</p> <p>23 A. It has several purposes, but one of</p> <p>24 them is to prevent scratches.</p>

<p>46</p> <p>1 Q. What are the other purposes of the</p> <p>2 PVC coating?</p> <p>3 A. There is protection from ultraviolet</p> <p>4 rays. There is also cutting, we have special</p> <p>5 laser PVC, so when you cut through, it doesn't</p> <p>6 bubble up.</p> <p>7 Q. How large are these PVC coating</p> <p>8 rolls?</p> <p>9 A. We have three basic widths, 36, 48</p> <p>10 and 60-inch wide rolls.</p> <p>11 Q. And how much do the PVC rolls weigh?</p> <p>12 A. I, quite honestly, can't tell you.</p> <p>13 Q. You have never tried to lift a PVC</p> <p>14 roll?</p> <p>15 A. Yes.</p> <p>16 Q. And these <u>PVC</u> rolls, are they located</p> <p>17 in a rack?</p> <p>18 MR. DISBROW: You can answer the question,</p> <p>19 but I am just going to object on the whole line of</p> <p>20 questioning as to relevance. I don't know where</p> <p>21 we are going. But you can certainly answer the</p> <p>22 question.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Most are staged in a rack area.</p>	<p>48</p> <p>1 DeMien swore at Mr. Wingo when Pat Bishop was</p> <p>2 assisting Mr. Wingo to lift a PVC roll?</p> <p>3 MR. DISBROW: Objection as to foundation;</p> <p>4 assumes facts not in evidence.</p> <p>5 You can answer the question.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I am not aware of Mark DeMien</p> <p>8 swearing at Bob Wingo.</p> <p>9 I am aware of Bob Wingo and Pat</p> <p>10 Bishop both receiving letters of counsel for</p> <p>11 wasting time and talking at the PVC station.</p> <p>12 BY MS. WEGNER:</p> <p>13 Q. Did Mr. Wingo have any discussion</p> <p>14 with you regarding the incident that occurred for</p> <p>15 which he got a letter of counsel for talking and</p> <p>16 wasting time at the PVC station?</p> <p>17 A. Yes, he did.</p> <p>18 Q. Was anyone else present when</p> <p>19 Mr. Wingo spoke to you regarding the incident that</p> <p>20 occurred at the PVC roll station?</p> <p>21 A. I do not recall.</p> <p>22 Q. What did Mr. Wingo say to you about</p> <p>23 this incident at the PVC station involving</p> <p>24 Mr. DeMien?</p>
<p>47</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. Was it necessary for someone handling</p> <p>3 the PVC coating process to lift those PVC rolls</p> <p>4 when they needed to be replaced?</p> <p>5 MR. DISBROW: Objection; incomplete</p> <p>6 hypothetical.</p> <p>7 You can answer the <u>question</u>.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Yes, it was expected of the</p> <p>10 employees.</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. And the PVC coating rolls that are</p> <p>13 required to be lifted, is it a job that one person</p> <p>14 can do?</p> <p>15 A. I believe most times one person does,</p> <p>16 if not all times.</p> <p>17 Q. Are you aware of exceptions where the</p> <p>18 PVC rolls require more than one person to lift</p> <p>19 them?</p> <p>20 A. Years ago, we bought oversized rolls</p> <p>21 that had twice the amount on a roll, and they were</p> <p>22 exceptionally heavy. Other than that, no.</p> <p>23 Q. Are you aware of an incident that</p> <p>24 occurred on or about August 30, 2007, when Mark</p>	<p>49</p> <p>1 A. He denied that he was wasting time</p> <p>2 and that he felt that he was unfairly written up.</p> <p>3 Q. And Mr. Bishop, did he talk to you</p> <p>4 about it?</p> <p>5 A. Yes. Mr. Bishop did talk to me about</p> <p>6 it.</p> <p>7 Q. What did Mr. Bishop discuss with you</p> <p>8 regarding the incident that occurred at the PVC</p> <p>9 roll station?</p> <p>10 A. He felt that Bob had stopped him to</p> <p>11 help him move a roll, but he felt that it was</p> <p>12 unfair that if they are both treated the same, but</p> <p>13 he felt that it was unnecessary for him to receive</p> <p>14 the write-up.</p> <p>15 I did investigate the claim and</p> <p>16 talked to other individuals and found nobody in</p> <p>17 the warehouse was willing to testify that they</p> <p>18 heard any swearing or that Mark was out of line in</p> <p>19 his write-up.</p> <p>20 Q. To your knowledge, did Mr. Bishop</p> <p>21 obtain the permission of his immediate supervisor</p> <p>22 to assist Mr. Wingo in handling this PVC roll for</p> <p>23 which he received counseling?</p> <p>24 MR. DISBROW: Objection. I think that</p>

<p style="text-align: right;">50</p> <p>1 mischaracterizes earlier testimony.</p> <p>2 You can answer, if you know.</p> <p>3 BY THE WITNESS:</p> <p>4 A. He did receive permission to assist</p> <p>5 Bob in moving a PVC roll, but not to talk. That's</p> <p>6 what the write-up was, wasting time to talk.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. Who was the immediate supervisor that</p> <p>9 gave Mr. Bishop permission to assist Mr. Wingo in</p> <p>10 handling the PVC roll?</p> <p>11 A. Ray Dormill.</p> <p>12 Q. And who did you interview to</p> <p>13 investigate Mr. Warton's claim that Mr. DeMien had</p> <p>14 sworn at him?</p> <p>15 A. Ray Dormill and Sergio Garcia, along</p> <p>16 with Mark DeMien.</p> <p>17 Q. When did you interview Sergio Garcia</p> <p>18 regarding what occurred at the PVC roll?</p> <p>19 A. I don't remember the exact date.</p> <p>20 Q. Did you ever make any notes about</p> <p>21 your interview of Mr. Garcia?</p> <p>22 A. More than likely, yes.</p> <p>23 Q. If you made notes regarding your</p> <p>24 interview with Mr. Garcia, what did you do with</p>	<p style="text-align: right;">52</p> <p>1 occurred with Mr. DeMien and Mr. Winger and</p> <p>2 Mr. Bishop?</p> <p>3 A. He was in an office adjacent. I did</p> <p>4 not hear any swearing. All he could testify is</p> <p>5 the fact he gave Pat permission to assist Bob in</p> <p>6 moving the roll of PVC.</p> <p>7 Q. Did you in this investigation of what</p> <p>8 happened regarding the PVC roll interview Mr. Mark</p> <p>9 DeMien?</p> <p>10 A. Yes.</p> <p>11 Q. And what did Mr. DeMien tell you when</p> <p>12 you interviewed him regarding the PVC roll</p> <p>13 incident?</p> <p>14 A. Basically that he had talked to both</p> <p>15 Pat and Bob earlier in the day and warned them</p> <p>16 about wasting time, because they were talking.</p> <p>17 And it was only on the second time that he caught</p> <p>18 them wasting time and talking that he talked to</p> <p>19 both individuals and provided them with the letter</p> <p>20 of counsel.</p> <p>21 Q. Did Mr. DeMien admit that he swore at</p> <p>22 Mr. Wingo?</p> <p>23 A. He did not admit to anything. He</p> <p>24 denied swearing, let's put it that way.</p>
<p style="text-align: right;">51</p> <p>1 those notes?</p> <p>2 A. I don't recall. They may be in</p> <p>3 either Bob's or Pat Bishop's record, but I don't</p> <p>4 recall what I did with them.</p> <p>5 Q. Did you ever ask Mr. Bishop whether</p> <p>6 Mr. DeMien swore?</p> <p>7 A. Yes, I did.</p> <p>8 Q. What did Mr. Bishop say?</p> <p>9 A. I believe he did say yes, but I don't</p> <p>10 recall that for a fact.</p> <p>11 Q. And why did you interview Sergio</p> <p>12 Garcia to try and ascertain what occurred at the</p> <p>13 PVC roll area between Mr. DeMien, Mr. Bishop and</p> <p>14 Mr. Wingo?</p> <p>15 A. I believe Pat Bishop gave me that</p> <p>16 name as a witness to what occurred, so I followed</p> <p>17 up and talked to him.</p> <p>18 Q. Why did you interview Ray Dormill</p> <p>19 regarding what occurred with respect to the PVC</p> <p>20 roll incident?</p> <p>21 A. As a potential witness and also as</p> <p>22 the person that they claimed gave Pat permission</p> <p>23 to assist.</p> <p>24 Q. And did Mr. Dormill witness what</p>	<p style="text-align: right;">53</p> <p>1 Q. Now, what were the words Mr. Wingo</p> <p>2 told you Mark DeMien used when he swore at</p> <p>3 Mr. DeMien?</p> <p>4 A. I honestly don't remember.</p> <p>5 Q. So did you reach a conclusion in your</p> <p>6 investigation of Mr. Wingo's complaints about the</p> <p>7 conduct of Mark DeMien?</p> <p>8 A. I talked to both Pat and Bob and told</p> <p>9 them that I found no evidence to support their</p> <p>10 claims.</p> <p>11 Q. Did Mr. DeMien receive any discipline</p> <p>12 as a result of Mr. Wingo's complaints regarding</p> <p>13 Mr. DeMien's conduct?</p> <p>14 A. No, I did not.</p> <p>15 Q. Did you ever prepare a written report</p> <p>16 of this investigation regarding the PVC roll</p> <p>17 incident?</p> <p>18 A. I don't recall putting together a</p> <p>19 written report. I don't believe there was ever a</p> <p>20 written grievance filed in the incident. I</p> <p>21 believe everything was done verbally.</p> <p>22 Q. Now, is it a violation of any Copper</p> <p>23 and Brass Sales policy for supervisory or</p> <p>24 managerial employees to swear at subordinate</p>

<p style="text-align: right;">54</p> <p>1 employees?</p> <p>2 A. It is not condoned. There is a</p> <p>3 certain amount of shop talk that's both hourly and</p> <p>4 salaried, but we have documented cases, taken</p> <p>5 action against other employees for swearing.</p> <p>6 MS. WEGNER: Do you want to take a couple</p> <p>7 minutes at this point?</p> <p>8 MR. DISBROW: Sure.</p> <p>9 (WHEREUPON, a recess was had.)</p> <p>10 MS. WEGNER: Back on the record.</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. Mr. Lunt, are Union employees working</p> <p>13 at the Copper and Brass Sales location in</p> <p>14 Schaumburg paid the same rate of pay regardless of</p> <p>15 their warehouse job position dependent on</p> <p>16 seniority pursuant to the Union contract?</p> <p>17 MR. DISBROW: I am just going to object to</p> <p>18 the degree the contract speaks for itself.</p> <p>19 BY THE WITNESS:</p> <p>20 A. It depends on which classification</p> <p>21 they are in. Helpers get paid differently than</p> <p>22 warehousemen. Warehousemen get paid differently</p> <p>23 than machine operators.</p> <p>24 And within each classification based</p>	<p style="text-align: right;">56</p> <p>1 pick to work, say, RBW versus -- it's done</p> <p>2 strictly who has the capability to do the job</p> <p>3 best. We are looking at maximizing our</p> <p>4 efficiencies and our productivity.</p> <p>5 It's also based on the fact that we</p> <p>6 consider warehousemen as a pool of labor from</p> <p>7 which we pick on, so we will pick the most</p> <p>8 efficient RBW employee versus PVC versus packer</p> <p>9 versus whatever on that and arrange accordingly.</p> <p>10 Q. Is there a specified training period</p> <p>11 for warehouse persons within those specific job</p> <p>12 positions?</p> <p>13 A. From one classification to another,</p> <p>14 30 days is a standard training. But that's just</p> <p>15 to move from, say, a helper to a warehouse</p> <p>16 position.</p> <p>17 There is so much knowledge that</p> <p>18 overlaps from whether you are packing at the sheet</p> <p>19 station, packing at the packaging station or</p> <p>20 packing at RBW, 90 percent of that is the same,</p> <p>21 it's repetitive.</p> <p>22 So it requires very little training</p> <p>23 to move from one area to another.</p> <p>24 Q. To your knowledge, how many of the</p>
<p style="text-align: right;">55</p> <p>1 on years of service, there is progressive</p> <p>2 increases from a warehouseman with zero years of</p> <p>3 experience versus two years of experience.</p> <p>4 It has escalated a little bit for</p> <p>5 machine operators and for helpers, the time lines</p> <p>6 are a little bit shorter.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. How is it that management at Copper</p> <p>9 and Brass Sales at the location at which you are</p> <p>10 the plant manager determine which Union employees</p> <p>11 work in a specific job position or job</p> <p>12 classification?</p> <p>13 A. When you say "job classification,"</p> <p>14 you are talking warehouseman versus machine</p> <p>15 operator?</p> <p>16 Q. Yes.</p> <p>17 A. It's done through a bidding process</p> <p>18 per the contract.</p> <p>19 Q. And how is it that management at the</p> <p>20 Copper and Brass Sales plant that you manage</p> <p>21 determines which Union employees work in a</p> <p>22 specific job classification within the warehouse</p> <p>23 classification?</p> <p>24 A. If all warehousemen, which ones we</p>	<p style="text-align: right;">57</p> <p>1 job positions within the warehouse classification</p> <p>2 had Mr. Wingo held during his 24 years of service</p> <p>3 with Copper and Brass Sales?</p> <p>4 A. To my knowledge, he has held every</p> <p>5 one of them.</p> <p>6 Q. To your knowledge, did Mr. Winger</p> <p>7 ever function as a machine operator at the</p> <p>8 Schaumburg location?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. What are the types of machines the</p> <p>11 machine operators operate at the Schaumburg</p> <p>12 location?</p> <p>13 A. Currently, we have RBW saws, shears.</p> <p>14 Q. Now, are all warehouse employees</p> <p>15 required to complete production logs on a daily</p> <p>16 basis?</p> <p>17 A. Not all.</p> <p>18 Q. Which warehouse employees are</p> <p>19 required to complete production logs on a daily</p> <p>20 basis?</p> <p>21 A. We don't require our dock people or</p> <p>22 side loader operators to do that. Our people that</p> <p>23 are filling or packaging orders should fill out</p> <p>24 production sheets. It is the same thing with our</p>

<p style="text-align: right;">58</p> <p>1 machine operators that are filling orders.</p> <p>2 Q. Well, are there exceptions? You say</p> <p>3 should.</p> <p>4 Machine operators and warehouse</p> <p>5 persons, other than persons on the dock and the</p> <p>6 side loaders, should fill out production logs</p> <p>7 every day?</p> <p>8 A. The guys on the dock because they are</p> <p>9 not filling orders, they are loading trucks or</p> <p>10 unloading trucks, aren't going to be filling</p> <p>11 orders, so they won't be.</p> <p>12 Machine operators, as long as they</p> <p>13 are cutting material or shearing material, yes,</p> <p>14 should be required to fill out production sheets.</p> <p>15 Q. And are people that are filling,</p> <p>16 packing on operating machines completing</p> <p>17 production logs on a daily basis at the Schaumburg</p> <p>18 location?</p> <p>19 A. Yes.</p> <p>20 Q. Is there a requirement that the</p> <p>21 warehouse employees complete a certain number of</p> <p>22 work orders per day?</p> <p>23 A. Every day and every position is</p> <p>24 different, so we couldn't put a requirement.</p>	<p style="text-align: right;">60</p> <p>1 per day?</p> <p>2 A. The average for that was somewhere</p> <p>3 between 30 and 40 orders a day. We had</p> <p>4 individuals pack as many as 50 orders a day, but</p> <p>5 most were within the 30 to 40 range.</p> <p>6 Q. When Mr. Wingo was last employed at</p> <p>7 the RBW area, was he the only person handling that</p> <p>8 position on the shift that he worked?</p> <p>9 A. That would vary from day-to-day based</p> <p>10 on the workloads.</p> <p>11 Q. In late 2007, how many shifts were</p> <p>12 there at the Schaumburg plant?</p> <p>13 A. Three shifts.</p> <p>14 Q. Were all warehouse positions at the</p> <p>15 Schaumburg facility functioning on each of the</p> <p>16 three shifts?</p> <p>17 A. No.</p> <p>18 Q. What job positions weren't being</p> <p>19 conducted on any particular shift at the</p> <p>20 Schaumburg plant in late 2007?</p> <p>21 A. Receiving only receives seven --</p> <p>22 their hours are 7:00 a.m. to 3:00 p.m. We don't</p> <p>23 receive around the clock.</p> <p>24 We don't operate our packaging</p>
<p style="text-align: right;">59</p> <p>1 Q. What are the circumstances that make</p> <p>2 each day and each position different so that you</p> <p>3 can't put a requirement for a certain number of</p> <p>4 orders per day to be completed?</p> <p>5 A. Say at the sheet station, I would</p> <p>6 expect two-and-a-half orders -- or two-and-a-half</p> <p>7 skids packed per hour.</p> <p>8 But if an order required that special</p> <p>9 packaging, extra banding, different style skids,</p> <p>10 that would require additional handling or time,</p> <p>11 there is an opportunity to say he is not going to</p> <p>12 get two-and-a-half, he is only going to get</p> <p>13 one-and-a-half or there is only going to be two</p> <p>14 orders an hour on that. We would have to look at</p> <p>15 those things.</p> <p>16 Q. How were you able to come to the</p> <p>17 determination that someone working at the sheet</p> <p>18 station should be able to do two-and-a-half skids</p> <p>19 per hour?</p> <p>20 A. The view of previous production</p> <p>21 sheets over a period of time on an average.</p> <p>22 Q. In Mr. Wingo's position at Copper and</p> <p>23 Brass Sales at the Schaumburg location, what was</p> <p>24 the number of orders he was expected to complete</p>	<p style="text-align: right;">61</p> <p>1 station normally over the midnight shift. But we</p> <p>2 have on occasion. Based on workload, everything</p> <p>3 changes.</p> <p>4 Q. What is the packaging station?</p> <p>5 A. Where processed material, whether</p> <p>6 it's material that's handled at the shear or</p> <p>7 material that's cut at our RBW saws, and then it's</p> <p>8 directed over to the packaging station and,</p> <p>9 therefore, packed according to the customer's</p> <p>10 requirements.</p> <p>11 Q. So let me make sure that I understand</p> <p>12 since I am really not familiar with the work</p> <p>13 that's conducted at your plant.</p> <p>14 If material needs to be sheared or</p> <p>15 sawed, it becomes a processed material; is that</p> <p>16 the distinction?</p> <p>17 A. Correct.</p> <p>18 Q. So the fact that material needs to</p> <p>19 have the PVC coating applied doesn't include</p> <p>20 processing?</p> <p>21 A. It doesn't change the size or shape</p> <p>22 of material so, therefore, it's not considered</p> <p>23 process.</p> <p>24 Q. What is the information that is</p>

<p>62</p> <p>1 required to be placed on the production logs by</p> <p>2 warehouse employees?</p> <p>3 A. Employee name, I am going from memory</p> <p>4 here, employee name, shift, date, work station,</p> <p>5 work order number, number of pieces, number of</p> <p>6 pounds and completion time.</p> <p>7 Q. Is there a procedure in place at the</p> <p>8 Schaumburg facility of Copper and Brass Sales to</p> <p>9 determine what procedure is to be followed if an</p> <p>10 employee is unable to complete an order that's</p> <p>11 being worked on when that employee's shift comes</p> <p>12 to an end?</p> <p>13 MR. DISBROW: Can you read that back. I</p> <p>14 don't think I caught all that.</p> <p>15 (WHEREUPON, the record was</p> <p>16 read by the reporter.)</p> <p>17 MR. DISBROW: Thank you.</p> <p>18 BY THE WITNESS:</p> <p>19 A. In a processed order, the operator</p> <p>20 would only take credit for the material that he</p> <p>21 has finished.</p> <p>22 In a nonprocessed order, the</p> <p>23 warehouse would only take credit for the orders</p> <p>24 that he has completed.</p>	<p>64</p> <p>1 A. Prior to lunch and prior to going</p> <p>2 home.</p> <p>3 Q. So at the Schaumburg facility, the</p> <p>4 first shift work actually ends at 2:25 to allow</p> <p>5 the employees five minutes to wash up?</p> <p>6 A. Correct.</p> <p>7 Q. Is there a procedure at the</p> <p>8 Schaumburg location of Copper and Brass Sales</p> <p>9 governing what procedure is to be followed if an</p> <p>10 employee doesn't begin to work on an order because</p> <p>11 he knows he won't be able to complete it before</p> <p>12 the end of his shift?</p> <p>13 MR. DISBROW: Object to the form of the</p> <p>14 question, what you mean by governing.</p> <p>15 You can answer it, if you know.</p> <p>16 THE WITNESS: I am not sure what she is</p> <p>17 asking.</p> <p>18 BY MS. WEGNER:</p> <p>19 Q. Let me give you an example.</p> <p>20 If an employee receives an order at</p> <p>21 2:15, but he knows it's going to take him 20</p> <p>22 minutes, and he only has 10 minutes left to</p> <p>23 actually work before wash-up time, what is he</p> <p>24 supposed to do?</p>
<p>63</p> <p>1 MS. WEGNER: Would you mark that as No. 7.</p> <p>2 (WHEREUPON, a certain document</p> <p>3 was marked Lunt Deposition</p> <p>4 Exhibit No. 7, for identification,</p> <p>5 as of May 29, 2008.)</p> <p>6 BY MS. WEGNER:</p> <p>7 Q. Do you recognize Exhibit No. 7?</p> <p>8 A. Yes.</p> <p>9 Q. And what is Exhibit No. 7?</p> <p>10 A. A description of our daily production</p> <p>11 log.</p> <p>12 Q. When did this description of the</p> <p>13 daily production log go into effect at the</p> <p>14 Schaumburg facility of Copper and Brass Sales?</p> <p>15 A. It has always been in effect.</p> <p>16 Q. So from the time you began, was this</p> <p>17 the daily production log procedure?</p> <p>18 A. Yes.</p> <p>19 Q. What are the hours of the first shift</p> <p>20 at the Schaumburg facility?</p> <p>21 A. 6:00 a.m. to 2:30.</p> <p>22 Q. At the Schaumburg facility on the</p> <p>23 first shift, are the employees allowed a</p> <p>24 five-minute wash-up time?</p>	<p>65</p> <p>1 MR. DISBROW: Just objection, incomplete</p> <p>2 hypothetical.</p> <p>3 You can answer, if you know.</p> <p>4 BY THE WITNESS:</p> <p>5 A. He can start that order. He can put</p> <p>6 it on the scale.</p> <p>7 He can start to take the measurement,</p> <p>8 verify that the part numbers are correct, that the</p> <p>9 mills are correct, do the beginning paperwork. He</p> <p>10 can set up the next shift to complete the order.</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. In this example, how would an</p> <p>13 employee set up the next shift to complete the</p> <p>14 order?</p> <p>15 MR. DISBROW: Same objection.</p> <p>16 BY THE WITNESS:</p> <p>17 A. By doing the things that I just</p> <p>18 explained.</p> <p>19 BY MS. WEGNER:</p> <p>20 Q. So, it's just my misunderstanding of</p> <p>21 your terminology.</p> <p>22 How, then, does the employee who has</p> <p>23 partially worked on an order communicate what has</p> <p>24 been accomplished to the next shift?</p>

<p>66</p> <p>1 A. It should be all written on the work 2 order. 3 Q. Was it Mr. Wingo's job to ascertain 4 whether the person who operated the side loader 5 correctly provided him with the material to 6 complete an order? 7 MR. DISBROW: Object to the form of the 8 question. I don't even know what you are asking 9 myself. 10 BY THE WITNESS: 11 A. I am not sure what you are asking 12 either. 13 BY MS. WEGNER: 14 Q. Well, you do have different material; 15 right? 16 And side loader operators, you said, 17 pull down the bundles of the material? 18 A. Yes. 19 Q. So how does the side loader operator 20 determine what bundles of material to pull? 21 Is it on the work order? 22 A. There are part numbers, and every 23 piece of material we have has a part number. 24 Every work order has a part number specifying the</p>	<p>68</p> <p>1 inspection sheet is not only the diameter of the 2 material but also the length. 3 They can either hand write or they 4 can put a tag on the work order that specifies the 5 tag number, the number of pounds used to fill the 6 order, the mill that the material came from, the 7 heater lot number that the material came from and 8 the purchase order number that the material came 9 from, the type of package that was used, the 10 package material, gross and net weight, number of 11 bundles, skids, boxes used, who filled out the 12 work order, that packaged it, and the date that it 13 was done. 14 I believe that's most, if not all the 15 information that needs to be written on the work 16 order by the warehouseman filling that work order. 17 Q. Isn't it true that there are errors 18 that are encountered on a daily basis on orders at 19 the Copper and Brass Sales Schaumburg location? 20 MR. DISBROW: Objection; form of the 21 question, hypothetical, assumes facts not in 22 evidence. 23 BY THE WITNESS: 24 A. Without looking at a work order, I</p>
<p>67</p> <p>1 material that needs to be pulled. 2 Every side loader driver takes that 3 part number and pulls that material down. The 4 person filling the order matches that part number 5 up to the material part number, and they should be 6 the same. 7 Q. And are the warehouse employees at 8 the Schaumburg facility required to write any 9 information on work orders? 10 MR. DISBROW: Objection. It has been asked 11 and answered. 12 MS. WEGNER: No, I asked about production 13 logs. 14 MR. DISBROW: You can answer the question. 15 BY THE WITNESS: 16 A. Yes, they are. 17 BY MS. WEGNER: 18 Q. What is the information that is 19 required to be written by warehouse employees on 20 work orders? 21 A. They have to do an inspection record. 22 They can either stamp the weight in or hand write 23 the weight in on a mill bundle. 24 The number of pieces on the</p>	<p>69</p> <p>1 couldn't answer that. 2 Are there errors? Yes, there are. 3 Do we try to minimize these errors? 4 Yes, we do. 5 BY MS. WEGNER: 6 Q. What are the different types of 7 errors that occur at the Schaumburg facility 8 warehouse? 9 A. I am not sure where you want to go 10 with this question. 11 MR. DISBROW: I will just object because 12 it's pretty broad and ambiguous. 13 But you can answer it, if you know 14 all of the different errors that are possible. 15 BY THE WITNESS: 16 A. It could be hundreds of errors. 17 I mean, an employee filling the work 18 order can grab the wrong material, he can grab the 19 wrong bundle, he can grab the wrong mill on it. 20 That is why it is up to our employees 21 to verify, as I state numerous times, read, 22 understand and follow all the order instructions. 23 BY MS. WEGNER: 24 Q. Have you encountered errors with the</p>

<p style="text-align: right;">70</p> <p>1 persons that are operating the saws or the shears, 2 where they cut something to the wrong 3 specification? 4 MR. DISBROW: Objection to form of the 5 question. 6 Do you want to know generally 7 throughout his entire employment there or a 8 specific time period, what are we after? 9 MS. WEGNER: No, in general. 10 MR. DISBROW: On average? 11 MS. WEGNER: In general. 12 MR. DISBROW: You can answer it, if you 13 know. 14 BY THE WITNESS: 15 A. It has happened in the past, we have 16 had. 17 BY MS. WEGNER: 18 Q. And have you encountered at the 19 Schaumburg facility errors by the people that 20 write all the various information that's required 21 on the work orders? 22 MR. DISBROW: The same objections to form 23 of the question, incomplete hypothetical, vague 24 and ambiguous and compound. You can answer it, if</p>	<p style="text-align: right;">72</p> <p>1 document produced by the Defendant, Bates stamped 2 00006? 3 A. Daily production log from Robert 4 Wingo, I would believe. 5 Q. And the daily production log that we 6 are looking at as Exhibit No. 6 has a space for 7 noting special comments and assignments; is that 8 correct? 9 A. Yes, it does. 10 Q. What, to your knowledge, is the 11 purpose of the section on the production log for 12 the comments or special assignments entry? 13 A. If a person was going to clean up, he 14 actually should enter a separate line so there is 15 no work orders next to it, and just put down that 16 from, say, 8:00 a.m. to 10:00 a.m., he cleaned up 17 his work station. 18 Or if instead of writing the same 19 work order down twice, as if he filled two 20 separate work orders, he should write down it 21 once, put a note down that it took two books or 22 two bundles or whatever it took on that. 23 Q. On this daily reduction log we have 24 marked as Exhibit No. 8, Mr. Wingo recorded time</p>
<p style="text-align: right;">71</p> <p>1 you know. 2 BY THE WITNESS: 3 A. On occasion, yes. 4 BY MS. WEGNER: 5 Q. On the work orders, you indicated 6 that the employees are required to fill in 7 information on who filled the <u>order</u> and who 8 packaged the order. 9 Is that different? 10 A. At nonprocess stations, it's the same 11 person. 12 At processing stations, it is 13 different. A shear operator would fill in who 14 filled the order, but the packer would fill who 15 packed it. At nonprocessing, it's the same person 16 filling and packaging the order. 17 MS. WEGNER: Pat, would you mark that as 18 the next exhibit. 19 (WHEREUPON, a certain document 20 was marked Lunt Deposition 21 Exhibit No. 8, for identification, 22 as of May 29, 2008.) 23 BY MS. WEGNER: 24 Q. Do you recognize Exhibit No. 8, a</p>	<p style="text-align: right;">73</p> <p>1 where he had no orders to process; is that 2 correct? 3 MR. DISBROW: Objection to the degree the 4 document speaks for itself. 5 BY THE WITNESS: 6 A. I can only read what Bob wrote down 7 on this. 8 BY MS. WEGNER: 9 Q. Well, is there something incorrect 10 about Mr. Wingo noting on the daily production log 11 that he did other things in addition to the work 12 that he performed on the actual work orders that 13 are listed? 14 A. No. 15 Q. You would expect that; is that 16 correct? 17 A. I would expect him to put it on a 18 separate line so it doesn't get mixed in with the 19 work order numbers. 20 But no, I expect him to write down if 21 he is taken away from his job function for a 22 period of time, to note that. 23 MS. WEGNER: Okay. Let's make this Exhibit 24 No. 9.</p>

<p style="text-align: right;">74</p> <p>1 (WHEREUPON, a certain document 2 was marked Lunt Deposition 3 Exhibit No. 9, for identification, 4 as of May 29, 2008.) 5 MS. WEGNER: Let's take a break right here. 6 (WHEREUPON, a recess was had.) 7 MS. WEGNER: Back on the record. 8 BY MS. WEGNER: 9 Q. Exhibit No. 9, you were handed before 10 we took that short break. 11 Mr. Lunt, do you recognize this 12 document? 13 A. Yes, I do. 14 Q. And Exhibit 9 is Bates stamped 0009. 15 Do you recognize Exhibit No. 9 as a 16 daily production log of the Copper and Brass Sales 17 Schaumburg facility? 18 A. Yes. 19 Q. And do you recognize Exhibit No. 9 to 20 be a daily production log by Mr. Wingo? 21 A. Yes. 22 Q. Do you know the date of the daily 23 production log that we have marked as Exhibit 24 No. 9?</p>	<p style="text-align: right;">76</p> <p>1 MR. DISBROW: Objection; form of the 2 question, it's vague, ambiguous. 3 You can answer it 4 BY THE WITNESS: 5 A. Some minor things. I mean, he has 6 taken credit for one work order three times rather 7 than put individual -- one single entry and put a 8 note down that it's three bundles or three boxes, 9 whatever type of package he used. Not all of them 10 have time slotted. 11 And then there is a gap at the very 12 bottom. And once again, there is a work order 13 number on the bottom that he didn't actually 14 package. 15 BY MS. WEGNER: 16 Q. And how can you determine from 17 looking at Exhibit No. 9 that there is a work 18 order at the bottom that Mr. Wingo did not 19 package? 20 A. Enter it into the computer system and 21 found that Sergio Garcia had actually packaged 22 that work order instead of Bob. 23 Q. On the last line of Exhibit No. 9, 24 Line 20, there are initials IG next to the work</p>
<p style="text-align: right;">75</p> <p>1 MR. DISBROW: Objection to the document 2 speaks for itself. 3 But you can answer it. 4 BY THE WITNESS: 5 A. It says 11/15. 6 BY MS. WEGNER: 7 Q. Do you know what year is represented 8 in the production log we have marked as Exhibit 9 No. 9? 10 A. 2007. 11 Q. How can you determine that the 12 production log we have marked as Exhibit No. 9 is 13 from 2007? 14 A. I would look up the work order 15 numbers and see what year those work orders were 16 from. 17 Q. Are you familiar with in general the 18 work order numbers that are listed on Exhibit 19 No. 9 as those in the 2007 calendar year? 20 A. They would be pretty consistent. I 21 feel fairly certain of that, yes. 22 Q. Is there anything incorrect about the 23 way Mr. Wingo has completed the daily production 24 log that we have marked as Exhibit No. 9?</p>	<p style="text-align: right;">77</p> <p>1 order number. 2 Do you know who placed those initials 3 there? 4 A. I placed those initials there. 5 Q. What is the reason that you placed 6 the initials IG on Line 20 of the work order we 7 have marked as Exhibit No. 9? 8 A. That was the person who actually 9 packaged that work order. 10 Q. And I am sorry, how did you determine 11 that IG, the initials that you placed on Line 20, 12 was the person that packaged the work order? 13 A. I believe the initial assessment was 14 done looking at the computer, also look up the 15 yellow copy or the original copy of the work order 16 and see whose work was done on there and whose 17 initials. 18 Q. Can you explain what the initials PT 19 mean in the comment or special assignment section 20 of the production log? 21 A. Pool truck. 22 Q. What does that mean? 23 A. We have trucks that come from one 24 branch to another. We have a central hub in</p>

<p style="text-align: right;">78</p> <p>1 Toledo, now called Northwood but where -- it's 2 going to be a long-winded answer. 3 MR. DISBROW: Go ahead, just answer the 4 question. 5 MS. WEGNER: That's fine. Sometimes I need 6 an explanation. 7 BY THE WITNESS: 8 A. Copper and Brass Sales has 9 approximately 46 branches nationwide. Not every 10 branch duplicates the other branch's inventory. 11 So if a customer needs something that 12 is not in their regional branch, they will find 13 out what other branches do have that material, 14 place the order on that branch, and we ship it 15 among ourselves using what we call pool trucks. 16 You have a central hub in what we 17 used to call Toledo, all the trucks converge there 18 at one time during the evening hours, exchange the 19 material going to each year and then return to 20 their branches. 21 And we can cover one-third to half 22 the nation the next-day delivery using that 23 system. And so that's what we call a PT or a pool 24 truck.</p>	<p style="text-align: right;">80</p> <p>1 Q. I'm sorry. Can you explain what you 2 mean when you say that he added work orders to 3 other production logs? 4 A. He added, other than the 28th and the 5 29th, which were the two that initially caught my 6 supervisor's attention. 7 Once we did that, I looked at other 8 production sheets that Bob had turned in during 9 the month of November and found other instances 10 that he had written down and taken credit for 11 packaging orders that he did not complete himself, 12 that somebody else had packed. 13 MS. WEGNER: This is going to be No. 10. 14 (WHEREUPON, a certain document 15 was marked Lunt Deposition 16 Exhibit No. 10, for identification, 17 as of May 29, 2008.) 18 BY MS. WEGNER: 19 Q. Do you recognize Exhibit No. 10, 20 Mr. Lunt? 21 A. Yes. 22 Q. Can you identify Exhibit No. 10? 23 A. Daily production log with the 24 initials RGW dated 11/20.</p>
<p style="text-align: right;">79</p> <p>1 BY MS. WEGNER: 2 Q. Thank you. 3 And do you know what the initials OT 4 means in the comment or special assignment section 5 of the work order we have marked as Exhibit 9? 6 A. And that is our truck. It means 7 that's delivered by one of our local trucks, it's 8 our truck, o-u-r, our truck. 9 Q. On Line 19 of the daily production 10 log, it appears that there are the initials MSP 11 next to the pool truck terminology. 12 Do you know what that means? 13 A. That is our Minneapolis branch. 14 Q. What caused you to do an 15 investigation into the production log that we have 16 marked as Exhibit No. 9 to determine that Isidro 17 Garcia did the packaging for the last work order 18 on that document? 19 A. After it was brought to my attention 20 that Bob had added work orders to other production 21 logs that he had not finished packaging, I took a 22 look at a random sample of November production 23 logs to see if there was a trend, and found two 24 other examples where Bob did the same thing.</p>	<p style="text-align: right;">81</p> <p>1 Q. To your knowledge, this is a 2 production log that is marked as Exhibit No. 10 3 for November 20, 2007? 4 A. Correct. 5 Q. And this daily production log we have 6 marked as Exhibit No. 10 is Defendant's document 7 00011. 8 Do you have the ability to determine 9 what information Mr. Wingo placed on the third 10 line of the production log we have marked as 11 Exhibit No. 10 in the comment and special 12 assignment section? 13 MR. DISBROW: I am just going to object on 14 the grounds that Mr. Lunt didn't prepare this 15 document. 16 To the degree he knows what is there, 17 he can answer your question. 18 BY THE WITNESS: 19 A. I can't really read -- the most I can 20 read is mill plus PO, but I can't read the line 21 above it. 22 BY MS. WEGNER: 23 Q. Do you know who actually pulled the 24 material for the work order listed on Line 3 in</p>

<p style="text-align: right;">82</p> <p>1 Exhibit No. 10?</p> <p>2 A. I could not tell you that.</p> <p>3 MS. WEGNER: This is going to be No. 11.</p> <p>4 (WHEREUPON, a certain document</p> <p>5 was marked Lunt Deposition</p> <p>6 Exhibit No. 11, for identification,</p> <p>7 as of May 29, 2008.)</p> <p>8 BY MS. WEGNER:</p> <p>9 Q. Do you recognize Exhibit No. 11?</p> <p>10 A. Yes.</p> <p>11 Q. Exhibit No. 11 is a document produced</p> <p>12 by the Defendant, 00013.</p> <p>13 Do you believe Exhibit No. 11 is a</p> <p>14 production log completed by Mr. Wingo for</p> <p>15 November 28, 2007?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know whose initials appear in</p> <p>18 the last two lines of the production log we have</p> <p>19 marked as Exhibit 11?</p> <p>20 A. I am not sure what you mean by the</p> <p>21 last two lines.</p> <p>22 Q. 16 and 17, where there is initials</p> <p>23 placed next to the work order?</p> <p>24 A. Are you referring to the initials</p>	<p style="text-align: right;">84</p> <p>1 MR. DISBROW: Objection to the degree the</p> <p>2 document speaks for itself, and on the grounds</p> <p>3 that Mr. Lunt did not prepare this document and</p> <p>4 may not know what Mr. Wingo was referring to.</p> <p>5 But you can answer the question, if</p> <p>6 you know.</p> <p>7 THE WITNESS: Could you repeat the</p> <p>8 question.</p> <p>9 BY MS. WEGNER:</p> <p>10 Q. Isn't it true that next to work order</p> <p>11 No. 466883 in Exhibit No. 11 in the comments and</p> <p>12 special assignment section, Mr. Wingo "wrote set</p> <p>13 up, stamped, boxed"?</p> <p>14 MR. DISBROW: Same objections.</p> <p>15 BY THE WITNESS:</p> <p>16 A. It appears he wrote that. I am</p> <p>17 making the assumption he wrote it and nobody else</p> <p>18 did.</p> <p>19 BY MS. WEGNER:</p> <p>20 Q. Did you ever conduct an investigation</p> <p>21 to determine who wrote up set up, stamped, boxed</p> <p>22 on Exhibit No. 11 on Line 17.</p> <p>23 A. During our discussion with Bob, he</p> <p>24 admitted that he filled out this production sheet,</p>
<p style="text-align: right;">83</p> <p>1 MEA?</p> <p>2 Q. Yes.</p> <p>3 A. Mark DeMien had placed those initials</p> <p>4 and they are Mario Alvarez' initials because he is</p> <p>5 the one that actually packaged, filled and</p> <p>6 packaged these two orders.</p> <p>7 Q. Do you contend there is anything</p> <p>8 improper about the way Mr. Wingo completed this</p> <p>9 daily production log dated November 28, 2007?</p> <p>10 A. Yes. He took credit for packaging</p> <p>11 two orders, put weights, times, pieces down and he</p> <p>12 did not fill the orders.</p> <p>13 Q. What are the orders you are referring</p> <p>14 to that you think Mr. Winger improperly took</p> <p>15 credit for on Exhibit No. 11?</p> <p>16 A. 466844, 466883.</p> <p>17 Q. What leads you to believe that</p> <p>18 Mr. Wingo took credit for work order 446883 on</p> <p>19 Exhibit No. 11?</p> <p>20 A. The fact that he wrote down pieces,</p> <p>21 pounds and a completion time.</p> <p>22 Q. Isn't it true that also on Exhibit</p> <p>23 No. 11 on Line 17 next to work order 466883,</p> <p>24 Mr. Wingo wrote "set up, stamped, boxed"?</p>	<p style="text-align: right;">85</p> <p>1 yes.</p> <p>2 Q. And it's your contention that</p> <p>3 Mr. Alvarez actually completed the work order</p> <p>4 process for work order 466883; right?</p> <p>5 MR. DISBROW: You answer it, but I just</p> <p>6 want to put the objection asked and answered.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Yes.</p> <p>9 BY MS. WEGNER:</p> <p>10 Q. What part of this process was it that</p> <p>11 Mr. Alvarez conducted with work order 466883?</p> <p>12 A. He completed it and PK10'd it, put</p> <p>13 the information in the computer and signed off on</p> <p>14 the work order itself.</p> <p>15 Q. So there were, to your knowledge, two</p> <p>16 steps in the process to completing work order</p> <p>17 466883 that Mr. Alvarez completed?</p> <p>18 MR. DISBROW: Objection; mischaracterizes</p> <p>19 his testimony.</p> <p>20 You can answer, if you know.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Without looking at the yellow copy, I</p> <p>23 couldn't tell you what else that Mr. Alvarez had</p> <p>24 done to this work order.</p>

<p>86</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. And why is it that you contend</p> <p>3 Mr. Wingo took credit for completing work order</p> <p>4 466883?</p> <p>5 A. He wrote it down on his production</p> <p>6 log. He also put completion time.</p> <p>7 Q. So, it's your understanding that the</p> <p>8 completion time Mr. Wingo put down was the time</p> <p>9 that he completed with respect to work order</p> <p>10 466883?</p> <p>11 MR. DISBROW: Just objection to the form of</p> <p>12 the question. I don't think I understand the</p> <p>13 question, frankly. Maybe that's me more than</p> <p>14 anybody else.</p> <p>15 But I think it's not clear, Jan, what</p> <p>16 you mean.</p> <p>17 MS. WEGNER: I think Mr. Lunt is the one</p> <p>18 that said he wrote down he completed it, and I am</p> <p>19 asking what is the "it" he is referring to,</p> <p>20 Mr. Lunt.</p> <p>21 BY THE WITNESS:</p> <p>22 A. The fact that Bob would write down</p> <p>23 the work order number, the number of pieces, the</p> <p>24 number of pounds and the completion time tells me</p>	<p>88</p> <p>1 placed in the right-hand column on the production</p> <p>2 log, is that supposed to be the time that the work</p> <p>3 is completed?</p> <p>4 A. Correct.</p> <p>5 MS. WEGNER: Pat, would you mark that as</p> <p>6 the next exhibit.</p> <p>7 (WHEREUPON, a certain document</p> <p>8 was marked Lunt Deposition</p> <p>9 Exhibit No. 12, for identification,</p> <p>10 as of May 29, 2008.)</p> <p>11 MS. WEGNER: What is the Bates stamp number</p> <p>12 on 12, is that 14?</p> <p>13 MR. DISBROW: Yes, you got that right, Jan.</p> <p>14 BY MS. WEGNER:</p> <p>15 Q. And Mr. Lunt, can you identify</p> <p>16 Exhibit No. 12?</p> <p>17 A. Daily production log filled out by</p> <p>18 RGW on November 29th.</p> <p>19 Q. Exhibit No. 12 is a document produced</p> <p>20 by the Defendant, Bates stamped 00014.</p> <p>21 And do you recognize Exhibit No. 12</p> <p>22 as a production log completed by Mr. Wingo on</p> <p>23 November 29, 2007?</p> <p>24 A. Yes.</p>
<p>87</p> <p>1 he finished that order when he did that.</p> <p>2 BY MS. WEGNER:</p> <p>3 Q. What is it about looking at Exhibit</p> <p>4 No. 11 and Line 17 that tells you that Mr. Winger</p> <p>5 put a completion time which states that he</p> <p>6 completed the order?</p> <p>7 MR. DISBROW: I am just going to object</p> <p>8 because it has been asked and answered a number of</p> <p>9 times.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I believe I have answered this.</p> <p>12 MS. WEGNER: Okay.</p> <p>13 BY MS. WEGNER:</p> <p>14 Q. What training has been provided to</p> <p>15 the warehouse employees at the Schaumburg facility</p> <p>16 of Copper and Brass Sales regarding the</p> <p>17 information to be placed on production logs?</p> <p>18 A. I would guess that probably once</p> <p>19 every year to two years, we go over this. There</p> <p>20 are several postings that have been posted in the</p> <p>21 building and we have had meetings over periods of</p> <p>22 time to train people and refresh their memories in</p> <p>23 how to properly fill out a production sheet.</p> <p>24 Q. And the time that is expected to be</p>	<p>89</p> <p>1 Q. At Line 20 and below Line 20, there</p> <p>2 are initials placed next to the back order numbers</p> <p>3 on Exhibit 12.</p> <p>4 Do you know who placed those initials</p> <p>5 there?</p> <p>6 A. Mark DeMien.</p> <p>7 Q. Do you know the reason Mr. DeMien</p> <p>8 placed the initials next to the work orders in</p> <p>9 Line 20 and the line blow that on Exhibit 12?</p> <p>10 A. Two work order numbers that somebody</p> <p>11 else had actually done the work and completed that</p> <p>12 should not have been on this production sheet.</p> <p>13 Q. Why is it that you contend that the</p> <p>14 last two work orders listed on Exhibit No. 12</p> <p>15 should not have been on Mr. Wingo's production</p> <p>16 sheet or production log?</p> <p>17 A. Excuse me for a second.</p> <p>18 MR. DISBROW: Do you want to go off the</p> <p>19 record?</p> <p>20 MS. WEGNER: Sure.</p> <p>21 (WHEREUPON, a recess was had.)</p> <p>22 MS. WEGNER: Back on the record.</p> <p>23 THE REPORTER: There is a question pending.</p> <p>24 MS. WEGNER: Would you read it back,</p>

<p style="text-align: right;">90</p> <p>1 please, Pat.</p> <p>2 (WHEREUPON, the record was</p> <p>3 read by the reporter.)</p> <p>4 BY THE WITNESS:</p> <p>5 A. Because he did not complete them.</p> <p>6 BY MS. WEGNER:</p> <p>7 Q. Is it your contention that Mr. Wingo</p> <p>8 should not be writing work orders on production</p> <p>9 logs where he does perform work on them?</p> <p>10 A. If he does not complete them, he</p> <p>11 shouldn't take credit for them.</p> <p>12 Q. But were you not also requiring that</p> <p>13 Mr. Wingo on his production log keep track of</p> <p>14 everything he did during the day, including</p> <p>15 clean-up and assisting other employees?</p> <p>16 MR. DISBROW: Just objection to the degree</p> <p>17 it mischaracterizes earlier testimony.</p> <p>18 You can answer the question.</p> <p>19 BY THE WITNESS:</p> <p>20 A. He could put notes in the special</p> <p>21 assignment, but at the same time, you can't take</p> <p>22 credit for putting down a work order number, the</p> <p>23 pounds packed, the pieces packed and the time</p> <p>24 completed on it if he did not complete the order.</p>	<p style="text-align: right;">92</p> <p>1 print up the packing list after he had completed</p> <p>2 them and then switch them.</p> <p>3 So, he filled one work order, then</p> <p>4 filled the next order, but then PK10 them both at</p> <p>5 the same time. He didn't finish either one of</p> <p>6 these.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. Yes, although on Exhibit No. 12,</p> <p>9 Mr. Wingo did put down the stop time, which you</p> <p>10 know to be the end of his shift at 2:25; is that</p> <p>11 correct?</p> <p>12 MR. DISBROW: Objection. The document</p> <p>13 speaks for itself. And also assumes facts not in</p> <p>14 evidence.</p> <p>15 Again, Randy, you can answer it if</p> <p>16 you know.</p> <p>17 BY THE WITNESS:</p> <p>18 A. He wrote down 2:25 as a completion</p> <p>19 time for the work order.</p> <p>20 BY MS. WEGNER:</p> <p>21 Q. Isn't 2:25 the time which Mr. Wingo's</p> <p>22 first shift would end?</p> <p>23 A. Then my contention is did he work</p> <p>24 overtime on 467012.</p>
<p style="text-align: right;">91</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. Well, Mr. Wingo on Exhibit No. 12 did</p> <p>3 not put down a time completed for the last entry,</p> <p>4 work order 467012; isn't that correct?</p> <p>5 A. Well, in that work station, he would</p> <p>6 only work on one work order at a time. You have</p> <p>7 to finish one before you start the next one. You</p> <p>8 can only fill one order at a time.</p> <p>9 So it would be inconceivable for him</p> <p>10 to be working on two work orders at the same time</p> <p>11 and, therefore, he couldn't put down both work</p> <p>12 order 467112 and 467012 and not finish either one</p> <p>13 of those.</p> <p>14 Q. I'm sorry, you contend that Mr. Wingo</p> <p>15 could only work on one work order at a time.</p> <p>16 Haven't you cited him on prior</p> <p>17 occasions for switching packing lists between</p> <p>18 different orders that he had worked on?</p> <p>19 MR. DISBROW: Objection as to foundation;</p> <p>20 assumes facts not in evidence.</p> <p>21 Answer the question, if you can.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Two different situations. He PK'd --</p> <p>24 he could pack both orders, PK10 both orders, then</p>	<p style="text-align: right;">93</p> <p>1 Q. Did Mr. Winger charge you for any</p> <p>2 overtime working on work order 467012?</p> <p>3 A. I don't have his time card. But why</p> <p>4 would he write it down if he had already finished</p> <p>5 for the day.</p> <p>6 Q. Well, actually, did you ask Mr. Wingo</p> <p>7 why he wrote down something related to work order</p> <p>8 467012 on Exhibit No. 12?</p> <p>9 A. I asked him why he wrote down either</p> <p>10 one of those since he had not completed either</p> <p>11 one. He couldn't cleanly answer that question for</p> <p>12 me.</p> <p>13 Q. Can you explain to me what PK10 is?</p> <p>14 A. It's a data entry once an order is</p> <p>15 completed, putting that information into the</p> <p>16 computer system so that it generates the packing</p> <p>17 list, shipping label, updates the inventory,</p> <p>18 creates certain case documentation.</p> <p>19 Q. Is there a particular amount of time</p> <p>20 that you have determined it would generally take</p> <p>21 for a warehouse employee to PK10 an order in the</p> <p>22 computer?</p> <p>23 A. It's probably only a few seconds,</p> <p>24 less than a minute, I would say, that the average</p>

<p style="text-align: right;">94</p> <p>1 warehouseman can finish that.</p> <p>2 Q. And you are familiar with the PK10</p> <p>3 process?</p> <p>4 A. Fairly familiar.</p> <p>5 Q. So, then, what is the information</p> <p>6 that a warehouse person has to enter into the</p> <p>7 computer to employ the PK10 process?</p> <p>8 A. Types in the work order number,</p> <p>9 brings up a screen, and the cursor just goes and</p> <p>10 fills in the blanks, basically whether it's</p> <p>11 complete or partial, amount of weight packed,</p> <p>12 number of pieces packed. And each one may be</p> <p>13 because they may be pounds versus linear inches</p> <p>14 versus square feet, depending on the billing</p> <p>15 quantity on it, scrap his initials, type of</p> <p>16 package, number of packages and initials of the</p> <p>17 person who packed it, and then an inventory tag</p> <p>18 that was used on that.</p> <p>19 That inventory tag will then populate</p> <p>20 automatically the mill, the PO and the heat and</p> <p>21 lot number for traceability. And then once he</p> <p>22 hits the inner button, it prints the label for</p> <p>23 him.</p> <p>24 MS. WEGNER: Pat, mark that as Exhibit</p>	<p style="text-align: right;">96</p> <p>1 (WHEREUPON, a certain document</p> <p>2 was marked Lunt Deposition</p> <p>3 Exhibit No. 14, for identification,</p> <p>4 as of May 29, 2008.)</p> <p>5 BY MS. WEGNER:</p> <p>6 Q. Exhibit No. 14, Mr. Lunt, appears</p> <p>7 similar to Exhibit No. 12, but it has again an</p> <p>8 added circle and an arrow and the writing, "These</p> <p>9 two WOs were filled by second shift," with some</p> <p>10 initials dated 12/1/07.</p> <p>11 Do you know whose handwriting is</p> <p>12 contained in the additional information?</p> <p>13 A. The initials are Mark DeMien's.</p> <p>14 Q. And what about the printing or the</p> <p>15 handwriting?</p> <p>16 A. That would appear to be Mark DeMien's</p> <p>17 also.</p> <p>18 MS. WEGNER: This is going to be 15.</p> <p>19 (WHEREUPON, a certain document</p> <p>20 was marked Lunt Deposition</p> <p>21 Exhibit No. 15, for identification,</p> <p>22 as of May 29, 2008.)</p> <p>23 BY MS. WEGNER:</p> <p>24 Q. And Exhibit No. 15 is a document</p>
<p style="text-align: right;">95</p> <p>1 No. 13.</p> <p>2 (WHEREUPON, a certain document</p> <p>3 was marked Lunt Deposition</p> <p>4 Exhibit No. 13, for identification,</p> <p>5 as of May 29, 2008.)</p> <p>6 BY MS. WEGNER:</p> <p>7 Q. Do you recognize Exhibit No. 13,</p> <p>8 Mr. Lunt?</p> <p>9 A. This is not the same as Exhibit 11.</p> <p>10 Q. I don't think it's exactly the same.</p> <p>11 That's why I gave it to you.</p> <p>12 I think there is some additional</p> <p>13 writing on it.</p> <p>14 If you want to compare the two, there</p> <p>15 is a circle and like an arrow.</p> <p>16 A. That was just a note added to by Mark</p> <p>17 DeMien.</p> <p>18 Q. So where at the circle, then the</p> <p>19 arrow, and it says "Two more filled by second</p> <p>20 shift" and initials with 12/1/07, you believe that</p> <p>21 is information that was added by Mark DeMien?</p> <p>22 A. Correct.</p> <p>23 MS. WEGNER: This is going to be Exhibit</p> <p>24 No. 14.</p>	<p style="text-align: right;">97</p> <p>1 produced by the Defendants, 00160.</p> <p>2 Do you recognize Exhibit No. 15?</p> <p>3 A. No, I don't. If the date is correct,</p> <p>4 it's prior to me working at Copper and Brass</p> <p>5 Sales.</p> <p>6 Q. The document that we have marked as</p> <p>7 Exhibit No. 15 was produced by Copper and Brass</p> <p>8 Sales in this discovery process in this case.</p> <p>9 Do you have any reason to doubt its</p> <p>10 authenticity?</p> <p>11 A. No.</p> <p>12 MR. DISBROW: I was just going to object,</p> <p>13 mischaracterizing testimony that he has given</p> <p>14 about this document. He says he has never seen</p> <p>15 this document before.</p> <p>16 MS. WEGNER: And I understand that.</p> <p>17 BY MS. WEGNER:</p> <p>18 Q. But my question is, if it's not</p> <p>19 disputed that this document was produced by Copper</p> <p>20 and Brass Sales, is there any reason to doubt its</p> <p>21 authenticity as a business record of Copper and</p> <p>22 Brass Sales?</p> <p>23 MR. DISBROW: Same objections, compound. I</p> <p>24 just think it's a question for a different</p>

<p style="text-align: right;">98</p> <p>1 witness. He wasn't even employed at Copper and 2 Brass Sales at the time. I don't know how he can 3 testify about this document. 4 MS. WEGNER: Let's make this No. 16. 5 (WHEREUPON, a certain document 6 was marked Lunt Deposition 7 Exhibit No. 16, for identification, 8 as of May 29, 2008.) 9 BY MS. WEGNER: 10 Q. Do you recognize Exhibit No. 16? 11 A. Yes. 12 Q. Now, exhibit No. 16 was produced by 13 Copper and Brass Sales in this litigation marked 14 00095. 15 Have you seen Exhibit No. 16 before? 16 A. Yes. 17 Q. And Exhibit 16, can you identify it? 18 A. It's an employee report form. 19 Q. Is Exhibit No. 16 a document that 20 reflects discipline issued to Mr. Wingo? 21 A. Yes, it does. 22 Q. And what was the discipline Mr. Wingo 23 received on October 10, 2007 as contained in 24 Exhibit No. 16?</p>	<p style="text-align: right;">100</p> <p>1 connection with the work order that is identified 2 in Exhibit No. 16? 3 A. Yes. 4 Q. Who else didn't read and follow work 5 order instructions on Exhibit 16? 6 A. I can't tell you. I'm sorry, I don't 7 know. 8 Q. Well, let's see, someone pulled 9 the wrong material on Exhibit No. 16; is that 10 right? 11 A. Yes. 12 Q. And that would be the side loader 13 operator was the person who pulled the wrong 14 material on Exhibit 16; is that correct? 15 MR. DISBROW: Objection; assumes facts not 16 in evidence. He didn't prepare this document. 17 You can answer, if you know. 18 BY THE WITNESS: 19 A. I couldn't tell. Bob could have 20 pulled his own material on this one. I don't know 21 that for a fact. 22 BY MS. WEGNER: 23 Q. What is the notation on here, if you 24 can explain it, Utokumpu versus --</p>
<p style="text-align: right;">99</p> <p>1 A. A one-day suspension. 2 Q. And what was the reason Mr. Winger 3 received a one-day suspension on October 10, 2007, 4 as evidenced by Exhibit 16? 5 MR. DISBROW: I am going to object to the 6 degree the document speaks for itself, but you can 7 answer. 8 BY THE WITNESS: 9 A. Repetitive work order errors. 10 BY MS. WEGNER: 11 Q. Repetitive work order errors. Okay. 12 To your knowledge, was the order 13 contained in the work order identified in Exhibit 14 No. 16 one that was processed material? 15 A. I'm sorry, I am not sure what you are 16 asking here. 17 Q. Well, it says it was a processed work 18 order, it was cut material, so it should not have 19 gone to RBW MP? 20 A. But Bob packed anyway, even though it 21 was not processed. He failed to read and follow 22 work order instructions. 23 Q. Isn't it true that someone else 24 didn't read and follow work order instructions in</p>	<p style="text-align: right;">101</p> <p>1 A. Utokumpu, that is the name of the 2 mill. U-t-o-k-u-m-p-u, Utokumpu, it's a foreign 3 mill. 4 Q. All right. And Mr. Wingo on the date 5 in question with respect to this work order wasn't 6 operating the RBW saw, was he? 7 A. No, he wasn't. 8 Q. And in the typical flow process at 9 the Schaumburg facility, how would the cut 10 material from the RBW saw then get to Mr. Wingo, 11 who was handling RBW nonprocessed material? 12 A. That I couldn't tell you for sure, I 13 would have to speculate. 14 Q. Are there a number of different ways 15 where this cut material process would then go to 16 Mr. Wingo for the order filling, packaging 17 process? 18 MR. DISBROW: Objection; incomplete 19 hypothetical. 20 You can answer it, if you know. 21 BY THE WITNESS: 22 A. I am not sure. You know, either a 23 side loader dropped it off. Maybe Bob pulled his 24 own material. Maybe the work order got</p>

<p style="text-align: right;">102</p> <p>1 misslotted. I am not sure, so I couldn't give you</p> <p>2 a definitive answer.</p> <p>3 BY MS. WEGNER:</p> <p>4 Q. Did anyone else receive discipline as</p> <p>5 a result of the mistakes made on this work order</p> <p>6 identified in Exhibit No. 16, other than</p> <p>7 Mr. Wingo?</p> <p>8 MR. DISBROW: Objection as to foundation</p> <p>9 and incomplete hypothetical. He indicated he</p> <p>10 didn't know the other person that may have been</p> <p>11 involved.</p> <p>12 But you can answer, if you know.</p> <p>13 BY THE WITNESS:</p> <p>14 A. And that, I don't know.</p> <p>15 BY MS. WEGNER:</p> <p>16 Q. Well, did <u>you do</u> anything to</p> <p>17 investigate who else was involved in the mistakes</p> <p>18 made on this work order identified in Exhibit 16?</p> <p>19 A. I did not write Robert up on this</p> <p>20 one, so I didn't do the investigation.</p> <p>21 Q. Do you know whether or not there was</p> <p>22 any investigation done by Mark DeMien or anyone</p> <p>23 else regarding the mistakes made on work orders</p> <p>24 identified in Exhibit 16?</p>	<p style="text-align: right;">104</p> <p>1 discipline policy of Copper and Brass Sales?</p> <p>2 A. It applies to -- it's my</p> <p>3 understanding this correctly applies to non-Union</p> <p>4 employees, that Union employees should consult</p> <p>5 their Union contract for information.</p> <p>6 MS. WEGNER: 18 is going to be 662 and then</p> <p>7 663.</p> <p>8 MR. DISBROW: Together?</p> <p>9 MS. WEGNER: Yes, together.</p> <p>10 MR. DISBROW: All right.</p> <p>11 MS. WEGNER: This is Exhibit 18,</p> <p>12 Pages 00662 and 00663.</p> <p>13 (WHEREUPON, a certain document</p> <p>14 was marked Lunt Deposition</p> <p>15 Exhibit No. 18, for identification,</p> <p>16 as of May 29, 2008.)</p> <p>17 BY MS. WEGNER:</p> <p>18 Q. Do you recognize these documents</p> <p>19 contained in Exhibit 18, Mr. Lunt?</p> <p>20 A. Yes, I do.</p> <p>21 Q. Can you identify the documents</p> <p>22 contained in Exhibit 18?</p> <p>23 A. Two different documents. One is an</p> <p>24 employee report form and another is a suspension</p>
<p style="text-align: right;">103</p> <p>1 A. I don't know.</p> <p>2 MS. WEGNER: This is going to be the next</p> <p>3 number, is that 17.</p> <p>4 (WHEREUPON, a certain document</p> <p>5 was marked Lunt Deposition</p> <p>6 Exhibit No. 17, for identification,</p> <p>7 as of May 29, 2008.)</p> <p>8 BY MS. WEGNER:</p> <p>9 Q. Do you recognize Exhibit 17, sir?</p> <p>10 A. It appears to be the employee</p> <p>11 handbook, but there is also an attachment to the</p> <p>12 back of it that is not part of the employee</p> <p>13 handbook.</p> <p>14 Q. That might be the page I am looking</p> <p>15 for another exhibit. And you are right.</p> <p>16 I apologize. Let's pull out the last</p> <p>17 page.</p> <p>18 So Exhibit 17, then, would consist of</p> <p>19 Pages 00701 through 00741 as the employee handbook</p> <p>20 of Thyssenkrupp Materials NA, Inc., doing business</p> <p>21 as Copper and Brass Sales?</p> <p>22 A. It appears to be so.</p> <p>23 Q. And does the employee handbook that</p> <p>24 we have marked as Exhibit 17 set forth the</p>	<p style="text-align: right;">105</p> <p>1 and probation, they are a letter of probation.</p> <p>2 Q. You are familiar with Tyler DeMien?</p> <p>3 A. Yes, I am.</p> <p>4 Q. To your knowledge, in late 2007, was</p> <p>5 Tyler DeMien doing the side loader operator</p> <p>6 functions at the Schaumburg facility?</p> <p>7 A. Yes.</p> <p>8 Q. And in late 2007, prior to</p> <p>9 Mr. Wingo's termination was Tyler DeMien working</p> <p>10 the third shift operating the side loader?</p> <p>11 A. Correct.</p> <p>12 Q. Tyler is related to Mark?</p> <p>13 A. Yes.</p> <p>14 Q. Mark is Tyler's father?</p> <p>15 A. Yes.</p> <p>16 Q. And Mark DeMien is the supervisor on</p> <p>17 the first shift?</p> <p>18 A. The first shift, correct.</p> <p>19 Q. There are occasions when Mark DeMien</p> <p>20 would supervise his son Tyler?</p> <p>21 A. There is some overlap, yes.</p> <p>22 Q. Isn't it true that there is a policy</p> <p>23 at Copper and Brass Sales that relatives should</p> <p>24 not supervise each other?</p>

<p style="text-align: right;">106</p> <p>1 A. I believe that policy was implemented 2 after Tyler was hired. But it was brought to my 3 attention from my vice president that it will 4 never happen again. 5 Q. I'm sorry. So are you indicating 6 there was an exception made with respect to Mark 7 DeMien supervising his son Tyler at Copper and 8 Brass Sales? 9 MR. DISBROW: Objection; mischaracterizes 10 testimony. 11 BY THE WITNESS: 12 A. I did not say that. 13 BY MS. WEGNER: 14 Q. Exhibit No. 18 contains a suspension/ 15 probation notice dated December 21, 2006, the 16 first page. 17 MR. DISBROW: That's what I was just 18 getting at, you are dealing specifically with the 19 first page only; correct? 20 MS. WEGNER: Yes. 21 BY MS. WEGNER: 22 Q. Does the suspension/probation notice 23 that is the first page Exhibit 18 state that Tyler 24 DeMien had received numerous verbal and written</p>	<p style="text-align: right;">108</p> <p>1 here. 2 MR. DISBROW: Let me just put my objection 3 on the record. 4 Objection to the degree the document 5 speaks for itself, assumes facts not in evidence. 6 I had something else in my head and 7 now it's gone. Bear with me a minute. Oh, and I 8 am just going to object on the relevance grounds. 9 You can answer the question, if you 10 know. 11 BY THE WITNESS: 12 A. Yes, I did see them. 13 BY MS. WEGNER: 14 Q. Prior to December of 2006, isn't it 15 true that Tyler DeMien had received a three-day 16 suspension in May of 2005? 17 A. Yes. 18 Q. And that employee report form 19 documenting a three-day suspension of May 10, 2005 20 to Tyler DeMien is the second page of Exhibit 18; 21 correct? 22 A. Correct. 23 Q. And isn't it true that the employee 24 report form dated May 10, 2005 states any future</p>
<p style="text-align: right;">107</p> <p>1 warnings for attendance since August of 2005? 2 MR. DISBROW: I would just object to the 3 degree the document speaks for itself. 4 You can answer the question. 5 BY THE WITNESS: 6 A. As part of our attendance policy, yes 7 he did. Every time you hit a certain point level, 8 you get a warning. It does not carry any 9 disciplinary action. 10 BY MS. WEGNER: 11 Q. You actually prepared Exhibit No. 18, 12 this first page, suspension and probation notice; 13 correct? 14 A. Yes. 15 Q. And you signed the 16 suspension/probation notice that's the first page 17 of Exhibit 18; right? 18 A. Yes. 19 Q. Have you ever seen the documented 20 verbal and written warnings given to Tyler DeMien 21 between August of 2005 the date of the 22 suspension/probation notice on December 21st, 2006 23 that you prepared? 24 A. I am not sure what you are asking</p>	<p style="text-align: right;">109</p> <p>1 violations will lead to termination? 2 MR. DISBROW: Objection to the degree the 3 document speaks for itself and also just a general 4 objection as to relevance, this whole line of 5 questioning on an attendance policy. 6 You can answer the question. 7 BY THE WITNESS: 8 A. Well, there is two different issues 9 here. One is leaving the job, the other is an 10 attendance policy. They are separate issues. 11 BY MS. WEGNER: 12 Q. Isn't it true that discipline can be 13 issued for repeated violations or combinations of 14 violations? 15 MR. DISBROW: Objection; ambiguity. 16 There is different types of 17 violations based on earlier testimony, absences 18 versus work rule violations. So I am not really 19 sure what you are asking. 20 BY MS. WEGNER: 21 Q. Isn't punching out and leaving work 22 without notifying a supervisor a work rule 23 violation beyond attendance? 24 A. Yes. These should be separated.</p>

<p style="text-align: right;">110</p> <p>1 These are two separate issues, and Tyler was</p> <p>2 handled no differently than several other</p> <p>3 employees, Mario Alvarez, a few other individuals</p> <p>4 that I would have to look up on this case.</p> <p>5 The same thing with the suspension,</p> <p>6 there is probably a half dozen other employees</p> <p>7 that were given suspensions and probationary</p> <p>8 periods for the same exact reason. So these were</p> <p>9 handled consistently throughout the warehouse</p> <p>10 force.</p> <p>11 Q. So Tyler DeMien has not been</p> <p>12 terminated from Copper and Brass Sales; is that</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. And on December 21st, 2006, Tyler</p> <p>16 DeMien was given a last chance agreement; isn't</p> <p>17 that correct?</p> <p>18 MR. DISBROW: Objection; assumes facts not</p> <p>19 in evidence.</p> <p>20 If you are referring to the first</p> <p>21 page of document No. 18, it speaks for itself.</p> <p>22 BY THE WITNESS:</p> <p>23 A. He was given a six-month probationary</p> <p>24 period in which to reduce his points. If he</p>	<p style="text-align: right;">112</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. Exhibit No. 19 are documents produced</p> <p>3 by Copper and Brass Sales in this litigation,</p> <p>4 Bates stamped 00664 through 00673.</p> <p>5 Do you recognize these documents in</p> <p>6 Exhibit No. 19?</p> <p>7 MR. DISBROW: Go ahead and look at each one</p> <p>8 of them over very carefully.</p> <p>9 And I will just represent for the</p> <p>10 record that there are a number of different types</p> <p>11 of documents here, it's not one document, it's a</p> <p>12 collection of documents.</p> <p>13 So I object to the form of the</p> <p>14 question, in its current form, it's compound and</p> <p>15 ambiguous.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I recognize them as an assortment of</p> <p>18 training notes, write-ups, letters of counsel, all</p> <p>19 copies of work orders dating back five-plus years</p> <p>20 for the person referred to as Al Herrera, Elutario</p> <p>21 Herrera.</p> <p>22 BY MS. WEGNER:</p> <p>23 Q. Did you have any involvement in</p> <p>24 issuing the discipline contained on the second</p>
<p style="text-align: right;">111</p> <p>1 failed to do that, he would be terminated.</p> <p>2 BY MS. WEGNER:</p> <p>3 Q. And was Tyler successful in surviving</p> <p>4 the six-month probationary period that's outlined</p> <p>5 in the first page of Exhibit 18?</p> <p>6 A. Yes, he was.</p> <p>7 Q. So it's your testimony that after</p> <p>8 December 21st, 2006 -- I'm sorry, after December</p> <p>9 29th, 2006, for a six-month period, Tyler DeMien</p> <p>10 did not accumulate more points than provided for</p> <p>11 in the agreement contained in Exhibit 18 on the</p> <p>12 first page?</p> <p>13 A. Correct.</p> <p>14 MR. DISBROW: I just didn't understand the</p> <p>15 question; but if you did, respond.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I make the assumption that you are</p> <p>18 saying within the next six months, did he abide by</p> <p>19 these probationary rules, and yes, he did.</p> <p>20 MS. WEGNER: This is going to be 19.</p> <p>21 (WHEREUPON, a certain document</p> <p>22 was marked Lunt Deposition</p> <p>23 Exhibit No. 19, for identification,</p> <p>24 as of May 29, 2008.)</p>	<p style="text-align: right;">113</p> <p>1 page of Exhibit No. 19 to Mr. Herrera?</p> <p>2 A. No.</p> <p>3 I'm sorry, I remember this one. My</p> <p>4 involvement was after the fact.</p> <p>5 Q. What involvement did you have after</p> <p>6 the fact regarding Mr. Herrera?</p> <p>7 A. I was made aware of it, that Al, Ray</p> <p>8 Cather and Bob Wingo were in the RBW nonprocess</p> <p>9 area and labels were switched and two work orders</p> <p>10 were misidentified. All three employees were</p> <p>11 given the same write-up.</p> <p>12 Q. And Mr. Herrera's name or initials</p> <p>13 are listed on a number of these sheets contained</p> <p>14 in Exhibit No. 19 as someone who performed work on</p> <p>15 particular work orders?</p> <p>16 MR. DISBROW: Objection to the form of the</p> <p>17 question.</p> <p>18 Do you want to ask about a specific</p> <p>19 document in this collection?</p> <p>20 BY MS. WEGNER:</p> <p>21 Q. Well, do you recognize Mr. Herrera's</p> <p>22 signature on some of these pages, 666, 671, 673?</p> <p>23 MR. DISBROW: Can you repeat those numbers</p> <p>24 back, please, so we can look at them.</p>

<p style="text-align: right;">114</p> <p>1 MS. WEGNER: 666, 671, 669.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I don't recognize Al's writing, but</p> <p>4 it does appear to be his signature.</p> <p>5 BY MS. WEGNER:</p> <p>6 Q. Are you familiar with Mr. Herrera</p> <p>7 completing work orders by using the initials AH</p> <p>8 rather than the E for his formal name?</p> <p>9 A. I believe we use ANH, and that's the</p> <p>10 three initials he goes by, because we refer to him</p> <p>11 as Al versus Eluterio.</p> <p>12 Q. Do you have any knowledge as to the</p> <p>13 reason that Mr. Herrera signed Page 669 in Exhibit</p> <p>14 No. 19?</p> <p>15 A. His supervisor at that time made him</p> <p>16 aware of an error and put this in his training</p> <p>17 file as the fact, just as documentation that he</p> <p>18 sat down and talked to Al and went over the work</p> <p>19 order error.</p> <p>20 Q. Was it the practice to go over work</p> <p>21 order errors by -- and then having the employee</p> <p>22 initial -- or sign these documents that we have</p> <p>23 here in Exhibit No. 19 that are signed by</p> <p>24 Mr. Herrera?</p>	<p style="text-align: right;">116</p> <p>1 (WHEREUPON, a certain document</p> <p>2 was marked Lunt Deposition</p> <p>3 Exhibit No. 20, for identification,</p> <p>4 as of May 29, 2008.)</p> <p>5 MR. DISBROW: While you are looking that</p> <p>6 over, Randy, I am just going to indicate for the</p> <p>7 record again this is a collection of separate</p> <p>8 documents, it's not actually one document.</p> <p>9 So the same objections with regard to</p> <p>10 Exhibit 19 would apply to Exhibit No. 20.</p> <p>11 BY MS. WEGNER:</p> <p>12 Q. So you have had a chance to look at</p> <p>13 Exhibit 20, these documents that are Bates stamped</p> <p>14 00686 through 00700; is that right, Mr. Lunt?</p> <p>15 A. Yes.</p> <p>16 Q. Are you familiar with these documents</p> <p>17 in Exhibit No. 20?</p> <p>18 MR. DISBROW: Objection to the form of the</p> <p>19 question, it's compound in its current form.</p> <p>20 There are a number of documents here</p> <p>21 again.</p> <p>22 If you want to go through and ask him</p> <p>23 if he is familiar with each one, that's the more</p> <p>24 appropriate way to handle the situation.</p>
<p style="text-align: right;">115</p> <p>1 MR. DISBROW: I am just going to object to</p> <p>2 the form of the question. This document goes back</p> <p>3 to 2003.</p> <p>4 You haven't indicated a time frame,</p> <p>5 it's vague and ambiguous in its current form.</p> <p>6 You can answer if you can.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Again, it varies, the work order</p> <p>9 error, the frequency of the work order error.</p> <p>10 Everyone would handle it a little bit differently</p> <p>11 as far as whether to do a verbal, a sitdown,</p> <p>12 letter of counsel, sometimes just a blurb in his</p> <p>13 training file to go over and make sure that the</p> <p>14 employee understood what he did wrong and how to</p> <p>15 correct that situation.</p> <p>16 BY MS. WEGNER:</p> <p>17 Q. Has Mr. Herrera ever received any</p> <p>18 suspension for repetitive work order errors?</p> <p>19 A. No, not that I am aware of.</p> <p>20 Q. Is Mr. Herrera still employed at</p> <p>21 Copper and Brass Sales?</p> <p>22 A. Yes, he is.</p> <p>23 MS. WEGNER: Pat, would you mark that</p> <p>24 Exhibit No. 20.</p>	<p style="text-align: right;">117</p> <p>1 MS. WEGNER: All right.</p> <p>2 BY MS. WEGNER:</p> <p>3 Q. Have you seen any of the documents in</p> <p>4 Exhibit No. 20 before today?</p> <p>5 A. Yes.</p> <p>6 MR. DISBROW: Wait. Same objections.</p> <p>7 You can answer -- again, the</p> <p>8 appropriate way to answer this is to be more</p> <p>9 specific with your question.</p> <p>10 BY MS. WEGNER:</p> <p>11 Q. And the answer?</p> <p>12 A. Yes.</p> <p>13 Q. Of those documents contained in</p> <p>14 Exhibit No. 20, which of those have you seen</p> <p>15 before?</p> <p>16 MR. DISBROW: To the degree you recall it.</p> <p>17 BY MS. WEGNER:</p> <p>18 Q. And there are little numbers in the</p> <p>19 bottom right-hand corners that you can identify</p> <p>20 the documents that you have seen before.</p> <p>21 A. I can only testify that I recognize</p> <p>22 the disciplinary actions written up that are</p> <p>23 included in here for the past five years.</p> <p>24 As far as the individual printouts of</p>

<p style="text-align: right;">118</p> <p>1 screen prints and work order copies, I couldn't</p> <p>2 testify whether I have seen these or not before.</p> <p>3 Q. Do you also see the page Bates</p> <p>4 stamped 695, a document that you prepared?</p> <p>5 MR. DISBROW: Objection. It's not signed;</p> <p>6 assumes facts not in evidence.</p> <p>7 BY MS. WEGNER:</p> <p>8 Q. Well, did you prepare this page Bates</p> <p>9 stamped 695?</p> <p>10 A. I am reading it, please.</p> <p>11 Q. Okay.</p> <p>12 A. Yes, I prepared it.</p> <p>13 Q. Did you prepare the page in Exhibit</p> <p>14 No. 20 Bates stamped 687?</p> <p>15 MR. DISBROW: And I will just object to</p> <p>16 this whole line of questioning on the grounds of</p> <p>17 relevance.</p> <p>18 BY THE WITNESS:</p> <p>19 A. No, I did not.</p> <p>20 BY MS. WEGNER:</p> <p>21 Q. And this page Bates stamped 693 in</p> <p>22 Exhibit 20, did you prepare that?</p> <p>23 A. I assisted in the preparation along</p> <p>24 with our HR department.</p>	<p style="text-align: right;">120</p> <p>1 A. Violation of an agreement with the</p> <p>2 Company as far as last chance and basically an</p> <p>3 altercation with -- a verbal altercation with</p> <p>4 another employee.</p> <p>5 Q. And when was the last chance</p> <p>6 agreement that Mr. Alvarez was provided with which</p> <p>7 he violated and was terminated?</p> <p>8 Is it contained in one of these?</p> <p>9 A. It's contained in your Exhibit 20.</p> <p>10 Q. Okay.</p> <p>11 MR. DISBROW: Did we just look at it?</p> <p>12 THE WITNESS: Yes. It's dated</p> <p>13 September 14, 2007 but signed on September 24,</p> <p>14 2007.</p> <p>15 BY MS. WEGNER:</p> <p>16 Q. Oh, it's this Page 693?</p> <p>17 A. Correct.</p> <p>18 Q. So the fact that Exhibit No. 20,</p> <p>19 Page Bates stamped 693, states that this letter</p> <p>20 serves as your final warning, you believe</p> <p>21 constitutes a last chance agreement?</p> <p>22 MR. DISBROW: Objection to relevance. The</p> <p>23 document speaks for itself.</p> <p>24 You can answer the question.</p>
<p style="text-align: right;">119</p> <p>1 Q. Page Bates stamped 696 seems to be a</p> <p>2 different kind of employee report form in that</p> <p>3 it's typed rather than on a printed form.</p> <p>4 Did you prepare that document?</p> <p>5 A. No, I did not.</p> <p>6 Q. Are your initials contained on the</p> <p>7 right-hand margin of Exhibit No. 20 Bates stamp</p> <p>8 Page 696?</p> <p>9 A. My initials are, yes.</p> <p>10 Q. Your initials and your last name?</p> <p>11 A. Yes.</p> <p>12 Q. You have very nice handwriting?</p> <p>13 A. Thank you.</p> <p>14 MR. DISBROW: It's better than mine.</p> <p>15 BY MS. WEGNER:</p> <p>16 Q. Mr. Alvarez, is he still employed at</p> <p>17 Copper and Brass Sales?</p> <p>18 A. No, he isn't.</p> <p>19 Q. When did Mr. Alvarez' employment</p> <p>20 cease with Copper and Brass Sales?</p> <p>21 A. I believe in January of 2008.</p> <p>22 Q. And what is the reason that</p> <p>23 Mr. Alvarez' employment with Copper and Brass</p> <p>24 Sales ended in January of 2008?</p>	<p style="text-align: right;">121</p> <p>1 THE WITNESS: Can you repeat that question</p> <p>2 so I understand it?</p> <p>3 MS. WEGNER: Read it back, Patricia,</p> <p>4 please.</p> <p>5 (WHEREUPON, the record was</p> <p>6 read by the reporter.)</p> <p>7 MR. DISBROW: Same objections.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Basically gave him his final warning,</p> <p>10 any further violations of the work and safety</p> <p>11 rules would result in his termination.</p> <p>12 BY MS. WEGNER:</p> <p>13 Q. Was Mr. Wingo provided with a last</p> <p>14 chance agreement in connection with surviving any</p> <p>15 termination of his employment by Copper and Brass</p> <p>16 Sales?</p> <p>17 MR. DISBROW: I am just going to object as</p> <p>18 to form and relevance, dealing with different</p> <p>19 violations.</p> <p>20 You can answer the question, if you</p> <p>21 know.</p> <p>22 BY THE WITNESS:</p> <p>23 A. With all his write-ups, verbal,</p> <p>24 written, suspensions, one-day and three-day</p>

<p style="text-align: right;">122</p> <p>1 suspensions, I don't recall the terminology used, 2 whether or not -- but I believe many of them 3 stated that future disciplinary action would lead 4 up to and include termination. 5 (WHEREUPON, a certain document 6 was marked Lunt Deposition 7 Exhibit No. 21, for identification, 8 as of May 29, 2008.) 9 BY MS. WEGNER: 10 Q. Do you recognize Exhibit No. 21, 11 Bates stamped 00005? 12 A. Yes, I do. 13 Q. And what is Exhibit No. 21? 14 A. Employee report form. 15 Q. Did you complete Exhibit No. 21? 16 A. Yes, I did. 17 Q. Did you meet with Mr. Wingo to tell 18 him he was being terminated? 19 A. Yes, I did. 20 Q. What did you say to Mr. Wingo when 21 you met with them regarding his termination? 22 A. I don't remember the exact words, but 23 I brought in both Union stewards Pete LaRocco and 24 Avis Vahania, sat them down, went over the details</p>	<p style="text-align: right;">124</p> <p>1 A. Yes, I do. 2 Q. Can you identify Exhibit No. 22? 3 A. It's a grievance form submitted by 4 Bob Wingo. 5 Q. And did you complete any part of 6 Exhibit 22? 7 A. Disposition. 8 Q. Below Mr. LaRocco's signature about 9 halfway down on the page, where it talks about 10 disposition of foreman, is that your printing? 11 A. Correct. 12 Q. And you also signed and dated this 13 form on December 7, 2007; is that right? 14 A. Yes. 15 Q. To your knowledge, did the Union take 16 any further action as a result of the denial of 17 this grievance? 18 A. Yes, they did. 19 Q. And what further action are you aware 20 of? 21 A. This is the second step grievance 22 procedure. 23 And then the next step if we don't 24 reach an agreement, then they can go to</p>
<p style="text-align: right;">123</p> <p>1 of his falsifying company documents and terminated 2 him at that time. 3 Q. Did Mr. Wingo say anything when you 4 told him he was being terminated? 5 A. I don't recall. I know that he was 6 given his right to agree, disagree, rebuttal, 7 right of grievance, and he was told at the time 8 from his Union stewards they would file a 9 grievance on his behalf. 10 Q. I'm sorry, at the meeting that you 11 participated in where Mr. Wingo was informed he 12 was being terminated, the Union representatives -- 13 A. Made him aware, and I did, too. 14 Q. Made Mr. Wingo aware of his right to 15 grieve this decision; right? 16 A. Correct. 17 MS. WEGNER: 22. 18 (WHEREUPON, a certain document 19 was marked Lunt Deposition 20 Exhibit No. 22, for identification, 21 as of May 29, 2008.) 22 BY MS. WEGNER: 23 Q. Do you recognize Exhibit No. 22, 24 Mr. Lunt?</p>	<p style="text-align: right;">125</p> <p>1 arbitration. But in place of arbitration, prior 2 to the arbitration, Jim Rodriguez, Bob Wingo and 3 Pete LaRocco met in my office to try to resolve 4 this issue. 5 We were unable to come to an 6 agreement and Bob's termination became final. 7 Q. Do you recall when the meeting took 8 place with Mr. Rodriguez, Mr. Winger and 9 Mr. LaRocco regarding the third step? 10 A. Do I remember what date that was, no, 11 I don't. 12 Q. Who assumed any of Mr. Wingo's duties 13 after his termination? 14 A. Immediately after his termination, 15 that vacancy was covered with overtime. 16 Q. Who on overtime performed any of 17 Mr. Wingo's duties immediately following his 18 termination? 19 MR. DISBROW: Objection. 20 To the degree that you know. There 21 is a number of employees. 22 MS. WEGNER: Please don't be helping him. 23 MR. DISBROW: I stated my objection. I 24 think it's an unfair question. You can answer it,</p>

<p>126</p> <p>1 if you can.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Overtime was covered through</p> <p>4 contract. The contract states that arc work gets</p> <p>5 asked first. In this case, that would be Al</p> <p>6 Herrera on third shift and Art Pachaco Flores on</p> <p>7 second shift. And I am sure other individuals, if</p> <p>8 they turned it down, would be asked.</p> <p>9 BY MS. WEGNER:</p> <p>10 Q. Did Tyler DeMien perform any of</p> <p>11 Mr. Wingo's duties immediately after he was</p> <p>12 terminated?</p> <p>13 A. I don't recall. I don't believe so.</p> <p>14 He is a side loader driver and would not be the</p> <p>15 first person asked.</p> <p>16 Q. And has there <u>been</u> a permanent</p> <p>17 replacement for Mr. Wingo?</p> <p>18 A. We, through the bidding process, had</p> <p>19 people switch shifts to replace the people on</p> <p>20 first shift that are initially Al -- Mario Alvarez</p> <p>21 was one of the people brought from second shift to</p> <p>22 first shift.</p> <p>23 Q. And after Mr. Alvarez, who then took</p> <p>24 the position that Mr. Winger had held?</p>	<p>128</p> <p>1 BY MS. WEGNER:</p> <p>2 Q. Do you believe Mr. Wingo was treated</p> <p>3 fairly in his termination?</p> <p>4 A. I'm sorry, I didn't hear your</p> <p>5 question.</p> <p>6 Q. Do you believe Mr. Wingo was treated</p> <p>7 fairly in his termination?</p> <p>8 A. Extremely fairly.</p> <p>9 MS. WEGNER: I don't have any other</p> <p>10 questions for Mr. Lunt.</p> <p>11 MR. DISBROW: I have no questions.</p> <p>12 MS. WEGNER: Signature?</p> <p>13 MR. DISBROW: Whatever the normal process</p> <p>14 here is.</p> <p>15 MS. WEGNER: I don't know that there is a</p> <p>16 normal process. It's really up to the witness or</p> <p>17 his counsel to decide whether they wish to reserve</p> <p>18 or waive.</p> <p>19 MR. DISBROW: We will reserve the right to</p> <p>20 signature.</p> <p>21 FURTHER DEPONENT SAITH NOT.</p> <p>22</p> <p>23</p> <p>24</p>
<p>127</p> <p>1 MR. DISBROW: I am just going to object to</p> <p>2 the form of the question. I think it</p> <p>3 mischaracterizes his testimony.</p> <p>4 But you can answer it.</p> <p>5 BY MS. WEGNER:</p> <p>6 A. There are no direct replacements</p> <p>7 because the warehousemen are a pool of labor that</p> <p>8 we pick from.</p> <p>9 What we did was increased the numbers</p> <p>10 of first shift people through the bidding process,</p> <p>11 and switching people around from work station to</p> <p>12 work station.</p> <p>13 That position is currently being</p> <p>14 filled my Mike Perrone.</p> <p>15 Q. I'm sorry, by who?</p> <p>16 A. Mike Perrone.</p> <p>17 Q. And how long has Mr. Perrone been</p> <p>18 filling the position that Mr. Wingo had held?</p> <p>19 MR. DISBROW: Same objection.</p> <p>20 You can answer the question, but same</p> <p>21 objection, and I think it mischaracterizes the</p> <p>22 testimony you just gave.</p> <p>23 BY THE WITNESS:</p> <p>24 A. A month to two months maybe.</p>	<p>129</p> <p>1 UNITED STATES DISTRICT COURT FOR THE</p> <p>2 NORTHERN DISTRICT OF ILLINOIS</p> <p>3 EASTERN DIVISION</p> <p>4 ROBERT G. WINGO,)</p> <p>5 Plaintiff,)</p> <p>6 vs.) No. 08 C 368</p> <p>7 THYSSENKRUPP MATERIALS NA,)</p> <p>8 INC., d/b/a COPPER AND BRASS,)</p> <p>9 Defendant.)</p> <p>10 I hereby certify that I have read the</p> <p>11 foregoing transcript of my deposition given at the</p> <p>12 time and place aforesaid, consisting of Pages 1 to</p> <p>13 132, inclusive, and I do again subscribe and make</p> <p>14 oath that the same is a true, correct and complete</p> <p>15 transcript of my deposition so given as aforesaid,</p> <p>16 and includes changes, if any, so made by me.</p> <p>17</p> <p>18 _____</p> <p>19 RANDY E. LUNT</p> <p>20</p> <p>21 SUBSCRIBED AND SWORN TO</p> <p>22 before me this _____ day of</p> <p>23 _____, A.D. 2008</p> <p>24</p> <p>24 _____</p> <p>Notary Public</p>

DEPOSITION OF RANDY E. LUNT - 5/29/08

130

1 STATE OF ILLINOIS)
 2)
 3 COUNTY OF DU PAGE)
 4 I, Patricia Ann Armstrong, a Notary
 5 Public within and for the County of DuPage, State
 6 of Illinois, and a Certified Shorthand Reporter of
 7 said state, do hereby certify:
 8 That previous to the commencement of
 9 the examination of the witnesses, the witness was
 10 duly sworn to testify the whole truth concerning
 11 the matters herein;
 12 That the foregoing deposition
 13 transcript was reported stenographically by me,
 14 was thereafter reduced to typewriting under my
 15 personal direction and constitutes a true record
 16 of the testimony given and the proceedings had;
 17 That the said deposition was taken
 18 before me at the time and place specified upon
 19 written interrogatories;
 20 That I am not a relative or employee
 21 or attorney or counsel, nor a relative or employee
 22 of such attorney or counsel for any of the parties
 23 herein, nor interested directly or indirectly in
 24 the outcome of this action.

131

1 IN WITNESS WHEREOF, I do hereunto set
 2 my hand and affix my seal of office at Chicago,
 3 Illinois, this 17th day of June, 2008.
 4
 5
 6
 7 Notary-Public, DuPage County,
 8 Illinois.
 9 My commission expires 03/23/09.
 10
 11 C.S.R. Certificate No. 84-1766.
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 23
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DEPOSITION OF RANDY E. LUNT - 5/29/08

1 STATE OF ILLINOIS)

2)

3 COUNTY OF DU PAGE)

4 I, Patricia Ann Armstrong, a Notary
5 Public within and for the County of DuPage, State
6 of Illinois, and a Certified Shorthand Reporter of
7 said state, do hereby certify:

8 That previous to the commencement of
9 the examination of the witnesses, the witness was
10 duly sworn to testify the whole truth concerning
11 the matters herein;

12 That the foregoing deposition
13 transcript was reported stenographically by me,
14 was thereafter reduced to typewriting under my
15 personal direction and constitutes a true record
16 of the testimony given and the proceedings had;

17 That the said deposition was taken
18 before me at the time and place specified upon
19 written interrogatories;

20 That I am not a relative or employee
21 or attorney or counsel, nor a relative or employee
22 of such attorney or counsel for any of the parties
23 herein, nor interested directly or indirectly in
24 the outcome of this action.

DEPOSITION OF RANDY E. LUNT - 5/29/08

1 the outcome thereof.

2 I further certify that this certificate
3 applies to the original signed IN BLUE and
4 certified transcripts only. I assume no
5 responsibility for the accuracy of any reproduced
6 copies not made under my control or direction.

7 IN TESTIMONY WHEREOF I have hereunto set
8 my hand and affixed my notarial seal this 16th day
9 of June, A.D., 2008.

10

11

12

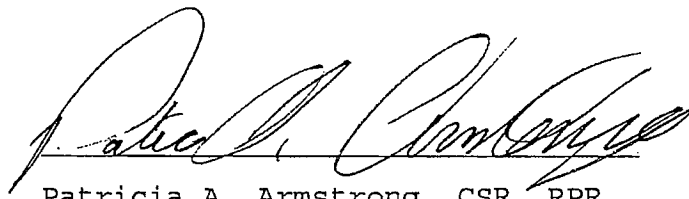
13

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A handwritten signature in cursive script, appearing to read "Patricia A. Armstrong", written over a horizontal line.

Patricia A. Armstrong, CSR, RPR.,

18

19 My Commission Expires

20

21 March 23, 2009.

22

23

24